

\$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: 14th September, 2015

+ CRL.A. 1355/2014

SHANKAR ALIAS MOHD. SHANKAR Appellant

Represented by: Mr. Habibur Rahman, Adv.

versus

STATE Respondent

Represented by: Mr. Amit Chadha, APP for
State with SI Chattar Singh, PS-Saraswati
Vihar.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.B. 10627/2014

Ld. Counsel appearing on behalf of the applicant seeks permission to withdraw the instant application.

Permission granted as prayed.

Accordingly, the application is dismissed as withdrawn.

+ **CRL. Appeal No. 1355/2014**

1. Vide the present appeal, appellant seeks setting aside of the impugned judgment and order on sentence dated 11.07.2014 and 25.07.2014 respectively.

2. With the consent of the parties, present appeal is taken up for final disposal.

3. Vide judgment dated 11.07.2014, the appellant was held guilty for the offences punishable under Sections 392/34 IPC. Accordingly, vide order dated 25.07.2014, he was sentenced to undergo RI for a period of 5

years with fine of Rs.5,000/- and in default of payment of fine, he was further sentenced to undergo SI for a period of 15 days.

4. Ld. Counsel appearing on behalf of the appellant does not dispute the conviction order dated 11.07.2014 and submits that as per nominal roll dated 28.01.2015, he has already undergone 3 years and 10 days sentence and earned remission of 1 month and 13 days as on 19.01.2015. Thus, as on date, he has completed almost 4 years of sentence out of the total sentence of 5 years.

5. In view of the oral conduct of the appellant in jail as satisfactory and the facts and circumstances of the case, ld. Counsel appearing on behalf of the appellant submits that considering the period already undergone by the appellant, if this Court release him, he does not press the present appeal.

6. Keeping in view the submission of the counsel for the appellant, since the appellant has already undergone more than 4 years of sentence out of total 5 years, I hereby modify the order dated 25.07.2014 and release him to the already undergone period.

7. Accordingly, Jail Authorities are directed to release the appellant forthwith if he is not wanted in any other case.

8. The present appeal is disposed of in view of above terms.

9. A copy of this order be sent to the Jail Authorities for compliance.

SURESH KAIT, J

SEPTEMBER 14, 2015/jg