

\$~Reg.17

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

+ CRL.A. 432/2001

DHARAMVIR

Through Mr.Ankit Mishra, Adv. with
Mr.Md.Bilal, Adv. & Mr.Anil
Thomas, Adv. Appellant

versus

GOVT. OF NCT OF DELHI

Through Mr.Panna Lal Sharma, APP for the
State. Respondent

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **21.12.2016**

1. The present appeal under Section 374 of the Code of Criminal Procedure (Cr.P.C.) against the judgment dated 14th May, 2001 and the order of sentence dated 15th May, 2001 passed by learned Additional Sessions Judge, Delhi in Sessions Case No.16/97 by which the appellant was convicted to undergo imprisonment for a period of seven years for the offence under Section 304B of the Indian Penal Code and to undergo rigorous imprisonment of three years for the offence under Section 498A IPC and also to pay fine of Rs.1,000/- and in default of payment of fine, to undergo SI for a term of fifteen

days.

2. Learned counsel for the appellant on instructions of the appellant submits that he does not want to press the appeal against the order of conviction. Consequently, conviction is upheld.

3. Learned counsel for the appellant has submitted that the argument is restricted only to the quantum of sentence. He further submits that the appellant is the brother-in-law of the deceased whereas the other two convicts have served seven years of sentence; the father-in-law of the appellant has expired during trial and the case against him stands abated. It was further submitted by the counsel for the appellant that the entire family is merely at the reduction of sentence.

4. In the present case, it is stated that the accused has been awarded sentence of rigorous imprisonment of seven years and fine of Rs.1,000/- and in default, fifteen days simple imprisonment and out of that, he has undergone the period of three years five months and twenty seven days. The unexpired portion of the sentence of the appellant is two years six months and thirteen days while the remission earned by the appellant is eleven months and twenty days.

5. It is apparent from the records that the FIR was registered on 28.09.1996 and the trial commenced on 27th January, 1997. The charge was framed on 03.10.1997. The judgment of conviction was passed on 14th May, 2001 and order on sentence was passed on 15th May, 2001. The appellant has faced the trial for about four years. The instant appeal was filed on 31.05.2001. As per the nominal roll appellant has already undergone sentence of three years five months and twenty seven days and earned remission of eleven months and twenty days.

6. It is submitted that the family circumstances of the appellant are such that his father has expired during the trial and that the sole source of income of the appellant's family was the family factory which is not functioning after the direction of closure of the same by the Hon'ble the Supreme Court. The appellant also has dependent children to look after. It is further stated that the appellant is a law abiding citizen and has never been involved in any other criminal matters.

7. In view of the above, it is directed that the quantum of sentence of the appellant is reduced to the sentence already undergone by the

appellant being an extra ordinary case in view of special circumstances. The appellant shall pay the fine if not already paid.

This petition is disposed of in the above terms.

P.S.TEJI, J

DECEMBER 21, 2016/aa