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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.A. 178/2014

SHEIKH HASIBUL

..... Appellant

Through Mr. Mohd. Faraz, Advocate

versus

STATE

..... Respondent

Through Ms. Kusum Dhalla, APP for the State.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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06.01.2016

Crl. M.A. No.15638/2015, Crl. M. (B) No.332/2014 & Crl.A. 178/2014

The appellant is seeking a direction to the effect that the sentence already undergone by the appellant be treated as the sentence imposed upon him. Learned Amicus Curiae appearing for the appellant points out that the appellant is a convict under sections 308/34 as also section 174A of the IPC and the maximum sentence awarded to him is RI for a period of 4 years. He has also been directed to pay cumulative fine of Rs. 7,000/- and in default of payment of fine to undergo cumulative SI for a period of 9 months.

The nominal roll of the appellant which has been placed on record substantiates these submissions of learned Amicus Curiae. It substantiates the fact that the appellant has been sentenced for 4 years for his conviction under section 308 of the IPC. He has been separately

sentenced for his second conviction under section 174A of the IPC. Sentences were to run concurrently. His jail conduct has been satisfactory. As on date he has undergone incarceration of about 3 years 9 months and about 4 days out of total substantive sentence of 4 years which has been imposed upon him. He was a first convict. His jail conduct has been satisfactory. As on date he is about 30 years of age meaning thereby that on the date of his conviction he would have been in his late 20s. The learned Trial Judge had noted that the appellant was a family man having a wife. He was also probably the only bread earner in his family. In the application before this Court it has been mentioned that the appellant is also having two minor daughters.

Noting the above factual matrix and the fact that the appellant has completed almost 90 percent of his substantive sentence, the sentence already undergone by the appellant be treated as the sentence imposed upon him. Noting the financial status of the appellant the fine which has been imposed upon him stands waived.

With these directions appeal disposed of.

Appellant be released forthwith if not required in any other case.

Copy of the order be sent to the Jail Superintendent for intimation to the appellant.

INDERMEET KAUR, J

JANUARY 06, 2016

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