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

+ CRL.A. 1624/2014

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Judgment dated 26th August, 2016

AMIT

..... Petitioner

Through : Dr.M.K. Gauhlat and Mr.Dharam Pal,
Advs. along with the petitioner.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Ms.Aashaa Tiwari, APP for the State.
SI Ramesh Kumar, PS Sultan Puri

+ CRL.A. 149/2015

STATE (GOVT NCT OF DELHI)

..... Petitioner

Through : Ms.Aashaa Tiwari, APP for the State.
SI Ramesh Kumar, PS Sultan Puri

versus

AMIT

..... Respondent

Through : Dr.M.K. Gauhlat and Mr.Dharam Pal,
Advs. along with the petitioner.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

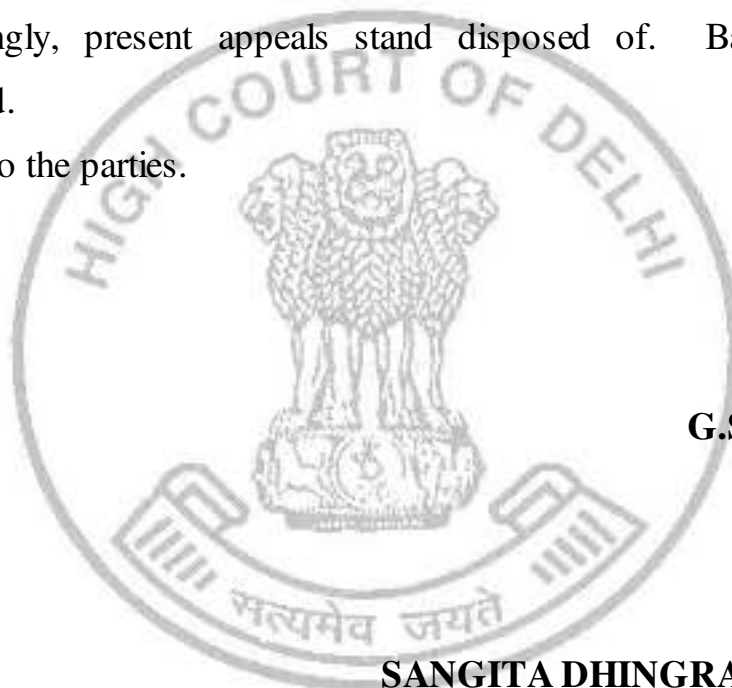
1. Crl.A. 1624/2014 has been filed by the appellant/Amit for setting aside the judgment dated 20.10.2014 and order on sentence dated 28.10.2014 passed by learned Additional Sessions Judge/Special Judge (NDPS),

North District, Rohini Court, Delhi, in SC No.99/11, in case FIR No.94/2011, by which the appellant stands convicted for the offence punishable under Sections 307/34 of the Indian Penal Code read with Section 27 of the Arms Act.

2. Crl.A.No.149/2015 has been filed by the State seeking enhancement of sentence awarded to the respondent by the learned Additional Sessions Judge/Special Judge (NDPS), North District, Rohini Court, Delhi, in SC No.99/11, vide judgment dated 20.10.2014 and order on sentence dated 28.10.2014.
3. It may be noticed that on 21.4.2016 we had issued notice to the victim for 28.4.2016. On 28.4.2016, we were informed that the parties had entered into an amicable settlement and the appellant had agreed to pay Rs.5,25,000/- (Rupees Five Lakhs Twenty Five Thousand) to the victim in full and final settlement. On 28.4.2016 the victim and his mother, who were present in Court, had submitted that they have agreed to the terms of settlement. The victim and his mother had also submitted that they had spent money on medical treatment and another surgery was also due. The matter was then adjourned to enable the appellant to make arrangement for the money.
4. On 18.7.2016 the settlement amount was brought to the Court by the appellant/Amit. The victim had stated that the amount should be deposited in the bank account no.7873000100028464, maintained in the Punjab And National Bank. On the next date of hearing, the victim and his mother confirmed receipt of Rs.5.25,000/-.
5. Today, appellant/Amit is present in Court along with his counsel and the victim and his mother are present in person.
6. Learned counsel for the appellant submit that having regard to the fact that the parties have arrived at an amicable settlement, the order on

sentence may be modified to the period already undergone. The victim and his mother have no objection to the same.

7. Heard counsel for the parties. Having regard to the peculiar facts of this case and taking into consideration that the parties have arrived at an amicable settlement, the appellant/Amit and the victim and his mother belong to the same village and reside in a close vicinity, the appellant had no intention to cause any injury to the victim and the firing was done in the air but unfortunately a splinter hit the victim, we modify the order on sentence dated 28.10.2014 to the period already undergone.
8. Accordingly, present appeals stand disposed of. Bail bonds be cancelled.
9. DASTI to the parties.



G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 26, 2016

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