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

DECIDED ON : OCTOBER 20, 2016

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CRL.A.769/2016 & CRL.M.B.1510/2016

SANDEEP AHLAWAT

..... Appellant

Through : Mr.Siddharth Yadav with Mr.Akshay,
Advocates.

VERSUS

STATE (NCT OF DELHI)

..... Respondent

Through : Mr.Arun Kr.Sharma, APP.
SI Karan Singh, Crime Branch.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

1. The instant appeal has been filed by the appellant-Sandeep Ahlawat to challenge the correctness and legality of a judgment dated 26.11.2014 of learned Additional Sessions Judge in Sessions Case No.52/13 arising out of FIR No.23/13 registered at Police Station Crime Branch whereby he was held guilty for committing offences punishable under Sections 411/471/171 IPC and Section 25 Arms Act. By an order dated 3.12.2014, he was awarded various prison terms maximum for four years. All the sentences were to operate concurrently.

2. Briefly stated, the prosecution case as reflected in the charge-sheet was that on 11.02.2013 at around 1.00 p.m. the appellant and his associates were found travelling in Ertiga Car bearing No.DL-3C-AD-7396. The car was found involved in another FIR. The appellant and his associates were charged for committing various offences and the prosecution examined 15 witnesses in all to prove its case. Upon appreciation of evidence and after considering the contentions of the appellant and his associates, they all were convicted by the impugned judgment. Being aggrieved and dissatisfied, the appellant has filed the instant appeal.

3. During the course of arguments, on instructions, the appellant's counsel stated that the appellant has opted not to challenge the findings of the Trial Court on conviction. He, however, prayed to modify the sentence order and to release the appellant for the period already undergone by him. Learned Additional Public Prosecutor has no objection to consider the mitigating circumstances.

4. Since the appellant has given up challenge to the findings on conviction and there is ample evidence to base conviction, the conviction for the aforesaid offences stands affirmed.

5. Nominal roll dated 13.10.2016 reflects that the appellant has already undergone three years, eight months and two days incarceration as on 12.10.2016. The unexpired portion of sentence was only three months and twenty eight days on that date.

6. Considering the facts and circumstances of the case and the substantive period already undergone by him in this case, the sentence order is modified and the period already undergone by him in this case i.e. three years and fifteen days (around) is taken as his substantive sentence under

Section 471 IPC. Other terms and conditions of the sentence order are left undisturbed.

7. The appeal stands disposed of in the above terms. All pending application(s) also stand disposed of. Trial Court record be sent back forthwith along with the copy of the order. Intimation be also sent to the Superintendent Jail.

(S.P.GARG)
JUDGE

OCTOBER 20, 2016
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