

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

Date of decision: June 16, 2017

+ CRL.A. 218/2014

RANJEET SINGH

..... Appellant

Through: Mr. Amar Nath, Amicus Curiae
Counsel with Mr. Jatin Rajput,
DHCLSC panel counsel &
Mr. Himanshu Jain, Advocate

Versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Mukesh Kumar, Additional
Public Prosecutor for respondent-
State SI Rajendera, Police Station
Vikas Puri

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

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ORAL

1. Impugned judgment of 28th October, 2013 holds appellant guilty of the offences under Sections 376/354 IPC and vide impugned order of 11th November, 2013, appellant has been sentenced to rigorous imprisonment for ten years with fine of ₹50,000/- with default clause for offence under Section 376 IPC and for offence under Section 354 IPC, appellant has been sentenced to rigorous imprisonment for three years with fine of

₹10,000/- with default clause. The aforesaid two sentences have been directed by the trial court to run concurrently.

2. The crux of prosecution case, as culled out from impugned judgment, is as under:-

As per the allegations of the prosecution, accused Ranjeet Singh on 02.03.2011 at 9:00 p.m. at WZ-36 Bodella, Vikas Puri, had committed rape on the prosecutrix; again on 03.03.2011 at about 7:00 a.m. in the abovesaid premises, the accused used criminal force upon the prosecutrix intending to outrage her modesty.

3. Apart from the evidence of prosecutrix (PW-1), there is evidence of her husband (PW-2) and that of forensic expert, the medical evidence and the remaining evidence is of police officials. WSI Vandana (PW-7) is the Investigating Officer of this case. The stand taken by appellant-accused before the trial court is as under:-

“A few days prior to 03.03.2011, may be on 25-26.02.2011 when I was cleaning outside my house, some water had gone towards the house of prosecutrix due to which she had become annoyed. She has implicated in this false case as she was annoyed with me. She has implicated me in false case in collusion with the interpreter in order to extort money from me.”

4. Trial court while relying upon the prosecution version has discarded the afore-noted stand of appellant and has convicted and sentenced him, as noticed herein above. At the outset, learned counsel for

appellant submits on the day of incident, appellant was aged about 40 years and was earning livelihood as Security Guard and he has a wife and two minor children to support and that despite the bail order, appellant due to poverty could not come out of the jail and that the minimum sentence for the offence of rape in the instant case is seven years and by now, appellant has already undergone sentence of more than seven years. Attention of this Court is drawn to appellant's Nominal Roll of 9th June, 2017 placed on record by respondent-State, to submit that keeping in view that appellant is not involved in any other case and his conduct in jail has been satisfactory, the sentence awarded to appellant deserves to be reduced to the period already undergone by him.

5. Learned Additional Public Prosecutor for respondent-State supports the impugned order and submits that although the minimum sentence for main offence in question is seven years but in the facts and circumstances of this case, the sentence awarded to appellant-accused is just and proper and does not call for any interference.

6. Upon hearing and on perusal of impugned judgment, evidence on record and Nominal Roll of 9th June, 2017, I find that the conviction of appellant is well merited. However, order on sentence needs to be varied. Considering the fact that appellant is in jail for last more than seven years with remissions and Nominal Roll of 9th June, 2017 of appellant indicates that his conduct in jail has been satisfactory and he is not involved in any other case and also that appellant is a poor person, who has family responsibilities to shoulder, the substantive sentence awarded to appellant for offences under Sections 376/354 IPC is reduced from ten years to

seven years and period over and above seven years is treated as period in default of payment of fine.

7. The impugned judgment of 28th October, 2013, is upheld while modifying the impugned order on sentence of 11th November, 2013 to the extent indicated above. Appellant be released forthwith, if not wanted in any other case.

8. The appeal stands accordingly disposed of.

9. A copy of this order be sent to the concerned Jail Superintendent to apprise appellant about the fate of his appeal and for compliance.

(SUNIL GAUR)
JUDGE

June 16, 2017
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