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

CRL.A. 275/2015

RAHUL @ BECHAN

..... Appellant

Through: Mr. Sumeet Verma, Advocate

versus

STATE

..... Respondent

Through: Ms. Meenakshi Chauhan, Addl.
Public Prosecutor for State with
ASI Devender Kumar

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

02.06.2017

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In this appeal, appellant's conviction for the offence under Section 366 of IPC and sentence of rigorous imprisonment of four years with fine of ₹1,000/- with default clause is assailed.

At the outset, counsel for appellant submits that as per appellant's Nominal Roll of 11th February, 2015 on record, by now appellant has already undergone sentence of more than three years with remission.

In pursuance to production warrants issued on the last date of hearing, appellant is present in the Court and he submits that he is in custody since September, 2014 and is the sole bread earner of his family and prays that a lenient view be taken and his sentence be reduced to the period already undergone by him.

Counsel for appellant points out that no minimum sentence is

prescribed for the offence under Section 366 of IPC and in the facts and circumstances of this Case, the substantive sentence awarded to him deserves to be reduced to the period already undergone by him.

It is not disputed by learned Additional Public Prosecutor for respondent-State that offence under Section 366 IPC does not carry any minimum sentence but it is submitted that the sentence awarded is proper.

Upon hearing and on perusal of impugned judgment and order on sentence, I find that the impugned judgment needs to be upheld as it is well merited. But order on sentence deserves to be modified in the facts and circumstances of this case. Accordingly, the substantive sentence awarded to appellant is reduced to the period already undergone by him and sentence of payment of fine is maintained. However, in default of payment of fine, appellant shall undergo simple imprisonment of ten days instead of one month.

With aforesaid modification in the impugned order on sentence, this appeal is disposed of.

A copy of this order be sent forthwith to the concerned Jail Superintendent for compliance.

SUNIL GAUR, J

JUNE 02, 2017

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