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

+ CRL.A. 330/2016

AMIT

..... Appellant

Through: Mr. S.K. Agarwal, Adv.

versus

STATE

..... Respondent

Through: Ms. Neelam Sharma, APP for the
State with Insp. K. Akhtar, P.S.
Prasad Nagar.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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21.03.2017

Appellant has been convicted under Section 307 IPC and sentenced to rigorous imprisonment of 4 years with fine of ₹10,000/- and in default of payment of fine to further undergo simple imprisonment for 6 months. It has been further ordered that ₹5,000/- be given to the complainant-Ranjit Singh as compensation out of the total fine of ₹10,000/-. Benefit of Section 428 Cr.P.C. has also been given to the appellant.

As per the prosecution, appellant along with his accomplice (not arrested) caught hold of Ranjit Singh on 3rd January, 2013 at about 11:30 pm at Padam Singh Road near Subziwala Chowk, Delhi and caused injuries on his abdomen and chest by a knife. Ranjit Singh was examined as PW1. He deposed that on 3rd January, 2013, he was going to his house along with one

Laxman after closing his factory. Laxman went towards Anand Parbat whereas he proceeded towards Subziwala Chowk, Padam Singh Road. On the way appellant, along with one more person, met him; they were under the influence of liquor; they stopped him and started abusing him and when he objected to their this act, appellant gave knife blows to him resulting injuries on his person. In the meanwhile, he saw a police jeep coming. On seeing the police jeep, appellant, along with his accomplice, fled from the spot.

PW2 HC Deepak deposed that on receipt of DD No. 32-A on 3rd January, 2013 he, along with SI Abhishek Kumar (PW8), went to Padam Singh Road. By that time, they received another DD No. 33-A regarding admission of the injured in the hospital. He, along with SI Abhishek Kumar, reached the hospital. PW8 SI Abhishek recorded the statement of PW1 Ranjit Singh, which he took to police station and got the FIR registered. PW3 HC Satyavir Singh was present in the PCR van which had removed the injured-Ranjit Singh to the hospital. He has deposed to this effect. PW4 Ct. Ravinder was present at the time when appellant was arrested on 4th March, 2013. PW5 HC Brij Mohan had registered the FIR on the basis of rukka sent by PW8 SI Abhishek Kumar per hand PW2, HC Deepak. PW6 Dr.

Yoginder had proved the MLC of the injured-Ranjit Singh. He has deposed that injuries of Ranjit Singh were grievous. PW8 SI Abhishek has deposed about the whole investigation.

In his statement under Section 313 Cr.P.C., appellant denied that he had caused injuries to Ranjit Singh. He stated that he was falsely implicated. He examined his maternal uncle Ajay Kumar as DW1, who deposed that from 1st January, 2013 to 8th January, 2013 appellant was at the residence of his sister at Bapa Nagar.

Trial court found the testimony of PW1 to be trustworthy and reliable and keeping in mind the nature of injuries caused at the vital portion of the body has concluded that appellant was guilty of having committed the offence under Section 307 IPC.

After arguing for some time, learned counsel for the appellant has given up the challenge to the conviction of the appellant. I have also seen the trial court record more particularly, testimony of the victim coupled with the medical evidence and I am of the view that trial court has rightly concluded that prosecution had succeeded in proving the ingredients of offence under Section 307 IPC.

Learned counsel for the appellant has, next contended that the sentence

of appellant may be reduced keeping in mind that appellant was 24 years old at the time of the incident; he has completed sentence of more than 3 years; he belongs to a poor family which is evident from the fact that his sentence was ordered to be suspended vide order dated 11th May, 2016 but he has not been able to furnish the personal bond and surety bond resulting in his continuous incarceration in jail; Conduct of the appellant in jail is satisfactory; appellant's widowed mother is suffering from various ailments.

I have considered the contentions of the learned counsel and am of the view that sentence of the appellant can be reduced to the period already undergone by him. The purpose of awarding substantive sentence of imprisonment is primarily two fold. It is punitive as well as reformatory. Appellant's jail conduct is satisfactory. He has also completed three years of incarceration. Accordingly, while affirming the conviction of the appellant, his sentence is reduced to the period already undergone by him. Appellant be released from jail, if not required in any other case.

Appeal is disposed of in the above terms.

Copy of the order be sent to the Superintendent Jail for serving it upon the appellant and also for compliance.

A.K. PATHAK, J.

MARCH 21, 2017/ga