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

+ CRL.A. 410/2015

ANIL @ KALU @ THAKUR Appellant
Through: Mr. M.L. Yadav, Advocate.

Versus

STATE Respondent
Through: Mr. Sanjay Lao, Addl. Standing
Counsel for State & Ms.
Meenakshi Chauhan, Addl. Public
Prosecutor for State

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
02.06.2017

Impugned judgment of 21st February, 2014 holds appellant guilty of committing offences under Sections 363/354/341 of IPC and as per order on sentence of 22nd February, 2014, appellant has been sentenced to rigorous imprisonment for seven years with fine of ₹5,000/- for the offence under Section 363 IPC and to rigorous imprisonment of two years with fine of ₹2,000/- for the offence under Section 354 IPC and simple imprisonment of one month with fine of ₹500/- for the offence under Section 341 of IPC with default clause and the aforesaid sentences have been directed to run concurrently.

At the outset, learned counsel for appellant submits that no minimum sentence is provided for the offences in question and by now,

appellant has already undergone sentence of more than five years including remission and in the facts and circumstances of this case, the substantive sentence awarded to appellant deserves to be reduced to the period already undergone by him.

In pursuance to production warrants issued vide last order, appellant is present in the Court and he submits that he is in custody since October, 2012 and is a poor person and so, the substantive sentence awarded to him be reduced to the period already undergone by him.

Learned Additional Public Prosecutor for respondent-State submits that though no minimum sentence is provided for the offences in question but sentence awarded to appellant by trial court is just and proper.

Upon hearing and on perusal of impugned judgment, I find that conviction of appellant is well merited but order on sentence needs to be varied in view of appellant's Nominal Roll of 13th February, 2015. This Court finds that facts of this case warrant that sentence awarded to appellant for the offence under Section 363 IPC deserves to be reduced. Accordingly, sentence of rigorous imprisonment of seven years for the offence under Section 363 IPC is reduced to rigorous imprisonment of five years. However, sentence awarded for the offences under Sections 354 and 341 IPC is just and proper and is accordingly maintained. The sentence of fine is maintained but the period in default of payment of fine is reduced from simple imprisonment of six months to simple imprisonment of three months for the offence under Section 363 IPC and for the offences under Sections 354 IPC, it is reduced from simple imprisonment of three months to simple imprisonment of 15 days, whereas sentence in default of payment of fine for the offence under

Section 341 IPC is maintained.

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

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

(SUNIL GAUR)
JUDGE

JUNE 02, 2017

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