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

+ W.P.(CRL) 1193/2017 & Crl.M.A. Nos.6744-45/2017, 6796/2017

RAHUL KUMAR Petitioner

Through: Mr. Abhishek Singh, Adv.

versus

STATE & ANR. Respondent

Through: Mr. Rahul Mehra, Standing Counsel
with Mr. Tushar Sannu, Adv for State
with Taria Saleem, Suptt. Jail, Ram
Lal. Dy Suptt Jail

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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25.04.2017

Issue notice. Mr. Mehra accepts notice on behalf of the respondents. He has tendered in court the nominal roll dated 25.04.2017, which is taken on record. Along with the nominal roll, the case wise position of Ramesh Sharma, in respect of whom the present petition has been preferred by the petitioner, in the 18 cases in which he stands convicted under the Negotiable Instruments Act has been disclosed. From the said report, it is clear that in respect of the two cases, the convict Ramesh Sharma has completed his sentence. He is presently undergoing sentence in three cases. The substantive sentence in these cases stands completed. However, on account of non payment of the compensation, he is undergoing the sentence.

The convict Ramesh Sharma is released on bail in 12 of the cases where he stands convicted. In respect of one case, he is admonished.

Mr. Mehra points out that the probable date of release of Ramesh Sharma is 22.08.2017 in case of non payment of compensation. Mr. Mehra has also tendered in court a chart explaining the position with regard to the sentence undergone and presently being undergone by Ramesh Sharma.

The submission of learned counsel for the petitioner is that the convict Ramesh Sharma has not been granted set off in respect of the period that he has already undergone. He seeks to place reliance on Section 428 Cr PC and the decision of the Supreme Court in *State of Maharashtra & Anr. v. Najakat Alia Mubarak Ali*, (2001) 6 SCC 311.

In the facts of the case, it is clear that the whereabouts of the convict are known. He is presently imprisoned on account of his conviction in several cases under the Negotiable Instruments Act.

The submission of learned counsel for the petitioner that the convict has not been granted set off is an aspect which can properly be raised before the concerned court who has sentenced the convict which he is presently undergoing.

The petition is accordingly disposed of with liberty to the convict to move appropriate applications before the concerned court. In case such applications are moved, they shall be examined by the concerned court on their own merits.

VIPIN SANGHI, J

DEEPA SHARMA, J

APRIL 25, 2017

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