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

+ **CRL.A. 519/2015**

LAXMAN

..... Appellant

Through: Mr. Amar Nath, Amicus Curiae
counsel with Mr.Mohd. Faraz,
DHCLSC panel Advocate

versus

STATE

..... Respondent

Through: Ms. Meenakshi Chauhan, Addl.
Public Prosecutor for State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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02.06.2017

Trial court vide impugned judgment of 21st November, 2014 has held appellant guilty for the offence under Section 392/34 of IPC and vide order on sentence of 2nd December, 2014, he has been awarded rigorous imprisonment for five years with fine of ₹5,000/- with default clause.

In pursuance to production warrants issued against appellant, he is present in the Court and Mr. Amar Nath, learned Amicus Curiae counsel is called upon to interact with the appellant. It is submitted by learned Amicus Curiae counsel that he has gone through the impugned judgment and material on record and has interacted with appellant and submits that appellant is in custody since August, 2013 and by now, he has already undergone sentence of more than four years with remand. It is submitted

by learned Amicus Curiae counsel that no minimum sentence is provided for the offence under Section 392/34 of IPC and that appellant is aged 32 years and is a poor person and in the facts and circumstances of this case, substantive sentence awarded to appellant deserves to 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 offence under Section 392/34 of IPC but the sentence awarded to appellant is just and proper.

Upon hearing and on perusal of impugned judgment, I find that conviction of appellant is well merited. However, order on sentence is varied in view of appellant's Nominal Roll of 26th March, 2015. In the facts and circumstances of instant case, substantive sentence awarded to appellant is reduced from five years to four years. While maintaining the sentence of fine, the period of sentence in default, is reduced from simple imprisonment of three months to simple imprisonment of one month.

With aforesaid modification in the order on sentence, this appeal and application are disposed of.

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

(SUNIL GAUR)
JUDGE

JUNE 02, 2017

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