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

+ CRL.A. 708/2016

MOHD. AHMED

..... Appellant

Through: Mr. Pramod Kr. Dubey and Ms.
Namita Wali, Advs.
Appellant produced from J.C.

Versus

STATE

..... Respondent

Through: Mr. G.M. Farooqui, APP for State
with SI Vishan Kumar, P.S. Kotwali.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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21.07.2017

Appellant has been produced from the jail. He is represented through a legal aid counsel namely, Mr. Pramod Kumar Dubey. Appellant submits that he is not willing to press the appeal on merits. His only prayer is that his sentence may be reduced to the period already undergone by him.

Appellant has been convicted under Sections 356/379/34 IPC and sentenced to undergo rigorous imprisonment for 1 year and 9 months with fine of ₹25,000/- for the offence under Sections 356/34 IPC and in default of payment of fine to further undergo simple imprisonment for 2 months; sentenced to rigorous imprisonment for 2 years and 9 months with fine of ₹25,000/- for the offence under Sections 379/34 IPC and in default of payment of fine to further undergo simple imprisonment for 3 months. All

the sentences were directed to run concurrently. Benefit of Section 428 Cr.P.C. has also been given to the appellant. Perusal of nominal roll shows that appellant has already completed substantive sentence of rigorous imprisonment of 2 years 9 months on 25th April, 2017. Currently, as per the nominal roll, his sentence of 5 months of simple imprisonment in default of payment of fine starts from 26th April, 2016. Appellant submits that he is a poor person and is not in a position to pay the fine, therefore, the sentence, awarded to him in default of payment of fine, may be reduced.

I have considered the contentions of the appellant. While upholding the conviction of the appellant, his sentence is reduced to the period already undergone by him. He be released from the jail forthwith, if not required in any other case. Appellant further submits that his Jamatalashi may be ordered to be returned to him. Investigating Officer, who is present in Court, submits that Jamatalashi is not required in this case and the same may be returned to the appellant. Ordered accordingly.

Appeal is disposed of in the above terms.

Copy of the order be sent to the Jail Superintendent for compliance.

A.K. PATHAK, J.

JULY 21, 2017/ga