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

+ **CRL.A. 1689/2014**

RAJKUMAR

..... Appellant

Through: Mr. Amar Nath, Amicus Curiae
with Mr. Vikas Padora, DHCLSC
Panel Advocate

versus

STATE

..... Respondent

Through: Ms. Meenakshi Chauhan, Addl.
Public Prosecutor for State with SI
Sachin Kumar, police station Amar
Colony

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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02.06.2017

In this appeal from jail, appellant challenges the impugned judgment of 24th January, 2014 and order on sentence of 11th February, 2014, vide which he has been convicted for the offence under Section 392/34 of IPC and has been awarded sentence of rigorous imprisonment of five years with fine of ₹10,000/-.

At the outset learned counsel for appellant submits that as per Nominal Roll of June, 2016, the unexpired sentence of appellant is of nine months and 28 days. It is submitted that appellant has already undergone the substantial portion of sentence awarded to him and his conduct in jail has been satisfactory. It is submitted on behalf of

appellant that for the offence in question, no minimum sentence has been prescribed and so, the sentence awarded to appellant be reduced to the period already undergone by him.

Learned Additional Public Prosecutor for respondent-State informs that pursuance to production warrants issued vide last order, appellant is present in the court and she does not dispute that no minimum sentence has been provided for the offence under Section 392/34 of IPC but asserts that the sentence awarded is just and proper.

Upon hearing and on perusal of impugned judgment and Nominal Roll of appellant, I find that conviction of appellant is well merited and conduct of appellant in jail has been satisfactory. In the facts and circumstances of this case, substantive sentence awarded to appellant is reduced to the period already undergone by him. Considering that appellant is a poor person, who has filed his appeal through jail, sentence of fine is reduced from ₹10,000/- to ₹1,000/-. In case the reduced fine of ₹1,000/- is not deposited by appellant within eight weeks, then appellant shall undergo simple imprisonment of ten days in default of payment of fine.

With aforesaid modification in the impugned order on sentence, this appeal is disposed of. A copy of this order be sent to Delhi High Court Legal Services Committee and to the concerned Jail Superintendent for compliance.

(SUNIL GAUR)
JUDGE

JUNE 02, 2017

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