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

+ **CRL.A. 817/2015**

SURENDER @ BUNTY Appellant

Through: Mr. Neeraj Bhardwaj, Advocate

Versus

STATE Respondent

Through: Ms. Minakshi Chaudhary,
Additional Public Prosecutor for
respondent-State with SI Naresh
Kumar, police station Kamla
Market

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
02.06.2017

Appellant in this appeal, challenges his conviction for the offence under Section 394 of IPC and sentence of rigorous imprisonment of four years awarded to him.

Learned counsel for appellant draws the attention of this Court to Nominal Roll of February, 2016 on record, which reveals that unexpired portion of sentence was one year, eleven months and two days then. Counsel for appellant submits that in pursuance to the production warrants vide last order, appellant is present in the Court and he has informed that his remaining sentence is of two months only, which he has to undergo. It is also submitted on behalf of appellant that no minimum sentence is provided for offence under Section 394 of IPC and so, the

sentence awarded to appellant under this provision be reduced to the period already undergone by him.

It is not disputed by learned Additional Public Prosecutor for respondent-State that sentence under Section 394 IPC does not carry any minimum sentence but it is maintained that the sentence awarded is just and proper.

In view of aforesaid, this appeal is disposed of while reducing the sentence awarded to appellant to the period already undergone by him.

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

**SUNIL GAUR
JUDGE**

JUNE 02, 2017

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