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

+ **CRL.A. 779/2015**

SATTAR @ AKASH

..... Appellant

Through: Mr. Amarnath, *Amicus Curiae* with
Ms. Rakhi Dubey, DHCLSC Panel
Advocate

versus

STATE

..... Respondent

Through: Ms. Meenakshi Chauhan, Addl.
Public Prosecutor for State with SI
Shri Gopal, Police Station
Shakarpur, Delhi

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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01.06.2017

Impugned judgment of 30th May, 2015 holds appellant- *Sattar @ Aakash* guilty for the offence under Section 395 of IPC r/w Section 34 IPC and sentence of rigorous imprisonment of four years with fine of ₹5,000/- with default clause has been awarded to him.

The facts already noted in the impugned judgment needs no reproduction for the reason that learned *Amicus Curiae* counsel for appellant on instructions from appellant (*who is present in the Court in pursuance to production warrants*) submits that appellant would be satisfied if the sentence awarded to him is reduced to the period already undergone by him.

Upon hearing and on perusal of impugned judgment and the Nominal Roll, I find that learned *Amicus Curiae* Counsel for appellant has rightly not contested the impugned judgment on merits because I find no infirmity in it. On the quantum of sentence, learned *Amicus Curiae*

counsel for appellant submits that appellant is aged 25 years old and a barber by profession and he is a poor person and has to support his grandparents. It is further submitted by learned Amicus Curiae counsel for appellant that as per Nominal Roll of appellant, by now he has already undergone substantial portion of sentence awarded to him and so, the sentence awarded to him deserves to be reduced to the period already undergone by him.

Additional Public Prosecutor for respondent-State submits that for the offence in question, there is no minimum sentence provided but the sentence awarded to appellant is justified in the facts and circumstances of this case.

Upon hearing and on perusal of impugned judgment and Nominal Roll of appellant, I find that his conduct in jail has been satisfactory and keeping in view the fact that appellant has undergone a substantial portion of the sentence awarded, it is deemed appropriate to reduce the sentence awarded to appellant to the period already undergone by him. Since it is submitted that appellant is a poor person, therefore, the sentence of fine imposed upon appellant is reduced from ₹5,000/- to ₹1,000/- and period of default of payment of fine is reduced from simple imprisonment for one month to simple imprisonment for ten days.

This appeal is accordingly disposed of while maintaining the conviction of appellant and by reducing the sentence awarded to him to the extent indicated above.

(SUNIL GAUR)
JUDGE

JUNE 01, 2017

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