

\$~4

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

+ CRL.A. 366/2018

THE STATE GOVT OF NCT OF DELHI Appellant
Through: Mr. Rajat Katyal, Additional Public
Prosecutor for the State
versus

BITTU MANDAL Respondent
Through: Mr. M. Naushad, Advocate

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE P.S.TEJI

% **ORDER**
30.05.2018

The respondent stands convicted under Section 363 IPC and Section 376 IPC by our judgment dated 8th May, 2018. The submission of the learned counsel for the respondent/convict is that he is a poor person. While he was in custody during pendency of the trial, he was pursuing his studies. He is the only bread winner of the family. He is not yet married.

The convict had enticed the prosecutrix who was a minor on the relevant date and had raped her on the fateful night against her wish and despite her opposition. The prosecutrix was a student of class 4th at the relevant point of time.

Considering the aforesaid circumstances cumulatively, we are of the view that the ends of justice would be met if the convict is sentenced to 3 years of rigorous imprisonment with a fine of Rs.5,000/-, in default of payment of fine to undergo further simple imprisonment for 6 months for

the offence under Section 363 IPC. For the offence of rape, we sentence the convict to rigorous imprisonment for a period of 8 years with fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for a period of 6 months.

Both the sentences shall run concurrently. The convict should be entitled of the benefit for the period undergone under Section 428 Cr.P.C.

Copy of this order be communicated to the Jail Superintendent.

The copy of this order be given *dasti* under the signatures of the Court Master.

VIPIN SANGHI, J

P.S.TEJI, J

MAY 30, 2018

PB