

\$~R-9,10,11 & 12

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

+ CRL.A. 626/2012

RABJEET SINGH

..... Appellant

Through
versus

None.

STATE NCT OF DELHI

..... Respondent

Through

Mr.Kewal Singh Ahuja, APP.

+ CRL.A. 879/2012

ASHOK KUMAR

..... Appellant

Through

Appellant in person.

versus

STATE

..... Respondent

Through

Mr.Kewal Singh Ahuja, APP.

+ CRL.A. 1001/2013

SAURAV

..... Appellant

Through

Mr.M.L.Yadav, Adv. DHCLSA

versus

STATE (NCT OF DELHI)

..... Respondent

Through

Mr.Kewal Singh Ahuja, APP.

+ CRL.A. 1667/2013

RAVI KUMAR CHOPRA

..... Appellant

Through

Mr.Krishan Kumar, Mr.S.P.Nangia,
Mr.RCS Bhadoria and Mr.Sahil
Dhawan, Advocates.

Versus

Crl. Appeals No. 626/2012, 879/2012, 1001/2013 & 1667/2013

Page 1 of 4

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STATE

..... Respondent

Through Mr. Kewal Singh Ahuja, APP.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% 16.01.2018

1 These are four appeals which have been filed by the different appellants. All the appellants are present in person. They all have been convicted under Sections 392/394 read with Section 34 of the IPC. All of them had been sentenced to undergo RI for period of 4 years and to pay a fine of Rs.5000/-, in default of payment of fine to undergo SI for 1 year; this was for the offence under Section 392 of the IPC; an identical sentence was imposed upon them qua the second conviction under Section 394 of the IPC.

2 Nominal roll of the appellant Rabjeet Singh reflects that he has completed his sentence and he was released from jail on 07.01.2015.

3 Appellant Ashok Kumar was released on bail on 26.11.2013. On the date of his release he had completed incarceration of about 2 years and 8 months.

4 Appellant Saurav was released on bail on 20.12.2013. As on the date of his release he had completed incarceration of 2 years and 8 months.

5 Appellant Ravi Kumar Chopra was released on bail on 04.3.2014. As on the date of his release he had undergone incarceration of about 3 years and 1 month.

11
6 Learned counsels for the appellants do not really challenge the conviction. The conviction of the appellants under Sections 392/394 read with Section 34 of the IPC is accordingly maintained.

7 The submission of the learned counsels for the appellants is that the appellants having completed more than 75% of their substantive sentence and each of them being on regular bail which bail has not been misused by them and each of them having a family to support and being the only bread earner of their families, this is a fit case where the sentence already undergone by them be treated as the sentence imposed upon them.

8 As noted supra, each of the appellants are present in person. Appellant Rabjeet Singh has completed his sentence. He has since been released from the jail. Appellant Ashok Kumar has undergone incarceration of 2 years and 8 months. He is a family man aged 23 years and has two children and is the only bread earner in the family. Appellant Saurav has also completed substantive sentence of more than 2 year and 8 months; he has a family to support and he is also the only bread earner in his family. He has not misused the bail. Appellant Ravi Kumar Chopra has completed incarceration of more than 3 years and 1 month. He has also not misused the bail granted to him. He is a married man and is the only bread earner in his family. He also has a family to support.

9 Noting the fact that the offence had been taken place in the year 2010 and each of the appellants already having undergone more than 75% of the substantive sentence awarded to them, this Court is of the

12

view that to secure ends of justice and in the fitness of things, it would be appropriate that the sentence already suffered by each of the appellants namely Ashok Kumar, Saurav and Ravi Kumar Chopra be the sentence imposed upon them. The default sentence in lieu of payment of fine is reduced; each of the three appellants namely Ashok Kumar, Saurav and Ravi Kumar Chopra will pay a cumulative fine of Rs.2000/- each which amount shall be paid within a period of 10 days.

10 Appeals disposed of in the above terms.

INDERMEET KAUR, J

JANUARY 16, 2018

Ndn

*- Fresh Crl. A. 2474/18 for direction
- Disposed off matter*