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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.A. 1368/2014

SACHINDER @ MONA

..... Appellant

Through: Mr. Manoj Kr. Tyagi, Mr. Prem
Chhetri, Mr. Anubhav Gupta, Advs.

versus

STATE

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP.

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE VINOD GOEL**

ORDER

18.07.2018

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1. The present appeal is directed against the impugned judgment dated 18th July 2014 passed by the learned Additional Sessions Judge, Dwarka Courts, New Delhi in SC No. 77/12 arising out of the FIR No. 45/2012 registered at PS J.P. Kalan convicting the present Appellant (along with the co-accused Inderpal @ Mandhu) for the offence under Section 302/34 IPC and Section 201/34 IPC. The appeal is also directed against the order on sentence dated 6th August 2014 whereby: for the offence under Section 302/34 IPC, the Appellant (along with the co-accused) was sentenced to imprisonment for life along with fine of Rs.20,000/- and in default of payment of fine, to undergo simple imprisonment for a period of one year; and for the offence under Section 201/34 IPC, he was sentenced to undergo rigorous imprisonment for 3 years along with fine of Rs.3,000/- and in default of payment of fine, to undergo simple imprisonment for 2 months.

Both sentences were directed to run concurrently.

2. The Court notes at the outset that the co-accused Inderpal @ Mandhu has been acquitted of both the aforementioned offences on merits by this Court in its judgment dated 14th December 2017 in Crl. A. 1526/2014 (*Inderpal @ Mandhu v. State*). On an examination of the said decision, as well as the evidence on record, it appears to this Court that the role of the Appellant herein cannot be distinguished from the role of the co-accused Inderpal @ Mandhu.

3. In that view of the matter, the present appeal is allowed by acquitting the Appellant of the aforementioned offences and setting aside the impugned judgment and order on sentence of the trial Court *qua* him. The appeal is accordingly allowed.

4. The Appellant be released forthwith unless wanted in some other case. He will fulfil the requirements of Section 437A Cr PC to the satisfaction of the trial Court at the earliest. The trial Court record be returned forthwith along with a certified copy of this order.

S. MURALIDHAR, J.

VINOD GOEL, J.

JULY 18, 2018

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