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

+ CRL.A. 1137/2017

THE STATE GOVT OF NCT OF DELHI

..... Appellant

Through: Mr. Rajat Katyal, Additional Public
Prosecutor for the State with SI
Moolchand, PS – Okhla
Mr. Aditya Singla, Ms. Supriya
Juneja and Mr. Bharat Monga,
Advocates for complainant

versus

SONU KUMAR

..... Respondent

Through: Mr. Manoj Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

15.03.2018

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Copy of the judgment dated 07.03.2018 has been delivered to learned APP as well as to the learned counsel for the respondent/convict. The respondent stands convicted under Section 363/376 IPC.

Firstly, the convict has committed the offence under Section 363 IPC by taking away the minor girl. Accordingly, he is sentenced to three years of rigorous imprisonment along with fine of Rs.5000/-. In default of payment of fine, he shall undergo simple imprisonment for another period of three months.

The prosecutrix was merely a 9 years of age at the time of commission of offence on 16.12.2010. Thus, the present case falls *inter alia*

under Section 376(2)(f) as in force on the date of the offence. The minimum punishment prescribed for the said offence is 10 years. The respondent / convict is also liable to pay fine. As per the proviso to this section, the Court may for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term less than ten years. No special reasons are disclosed in the present case to award the sentence less than the minimum term of 10 years in the present case.

The act of the respondent/convict has scared the life of 9 years old girl forever. However, considering the fact that post the respondent's acquittal, he has got married, in our view, the ends of justice would be met if the respondent is sentenced to 10 years rigorous imprisonment with fine of Rs.25,000/- for the offence under Section 376 IPC. In default of payment of fine, the respondent shall undergo further simple imprisonment for a period of six months.

The fine of Rs.25,000/- , if deposited by the convict, shall be payable to the victim under Section 357 Cr.P.C.

The victim shall also be entitled to compensation under Section 357A. Let the Delhi State Legal Services Authority decide the quantum of compensation to be awarded to the victim. The said determination shall be made within four weeks from today.

The convict shall be entitled to the benefit of Section 428 Cr.P.C. the sentences shall run concurrently.

A copy of this order on sentence be provided to the convict.

Copy of the judgment as well as order on sentence be also communicated to the State Legal Services Authority and the Jail

Superintendent concerned.

VIPIN SANGHI, J

P.S.TEJI, J

MARCH 15, 2018

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