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

+ CRL.A. 1184/2017

STATE OF NCT OF DELHI

..... Appellant

Through: Ms. Aashaa Tiwari, APP along with
Inspector Yogeshwar Singh, PS-Kalkaji,
for the State.

versus

DHARMENDER

..... Respondent

Through: Mr. Ashok Kumar Sherawat &
Mr. Shashidhar Mishra, Advocates.
Respondent in person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S. TEJI

ORDER

09.04.2018

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The convict has been produced from custody.

We have heard submissions of Ms. Tiwari as well as learned counsel for the respondent convict on the aspect of sentencing. Copy of our detailed judgment has been provided to the learned counsels.

The submission of learned counsel for the respondent is that the respondent is a young person; there is no other reported involvement of the respondent in any other criminal case; he is supporting his old mother and young sister; while the respondent was in jail as an undertrial, his conduct in

jail was found to be satisfactory. The further submission of learned counsel for the respondent convict is that he has already undergone 3 years, 7 months and 22 days of incarceration.

On the other hand, the submission of Ms. Tiwari is that the minimum sentence for the offence in question is ten years Rigorous Imprisonment, and in the present case, the convict was in a position of trust qua the victim inasmuch as he is elder cousin brother of the victim. He took the victim with him on the representation that he would give him cold drink and then leave him home. He committed the offence by taking the victim in the dead of the night in the park opposite the place where the *jaagran* was in progress.

Having considered the submissions, we are of the view that the ends of justice would be met in the present case by sentencing the respondent convict to twelve years Rigorous Imprisonment with fine of Rs.5,000/-. In default of payment of fine, the convict shall undergo further Simple Imprisonment for a period of six months. The respondent shall, however, be entitled to the benefit of the period already undergone as an undertrial. Ordered accordingly.

VIPIN SANGHI, J

P.S.TEJI, J

APRIL 09, 2018

B.S. Rohella