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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 761/2019**

SUSHIL KUMAR

..... Appellant

Through Mr. Roshan Lal Saini and Ms. Kavita
Saini, Advocate alongwith appellant
in person from Tihar Jail

versus

STATE

..... Respondent

Through Mr. G.M. Farooqui, APP for the State

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% **27.09.2019**

JUDGMENT

CRL.M.(BAIL). 1147/2019

Learned counsel for the appellant submits that he does not press the bail application.

In view of the submission of learned counsel for the appellant, the bail application is dismissed as not pressed.

Crl. A. No. 761/2019

The present appeal has been filed by the appellant against the Judgment and order on sentence, both dated 11.12.2018 passed by Ld. ASJ, vide which the appellant was sentenced to four years of RI with fine of Rs.1,000/-for the offence under section 395 IPC and in default of payment of fine, he shall further undergo simple imprisonment for one month.

Appellant was further sentenced to three years of RI with fine of RS. 1,000/- for the offence under section 457 IPC and in default of payment of fine, he shall further undergone simple imprisonment for one month. Both the sentences were to run concurrently.

Learned counsel for the appellant states that he does not argue on the merit of the case and will confine his arguments on the order on sentence only. He prays for release of the appellant on the ground that appellant is young man, aged about 32 years. He is married man and has three daughters aged about 3 years, 4 years and 5 years respectively to look after. It is further submitted that appellant has old aged parents dependent upon him. He is the only bread earner for his family and there is no one to look after in his family.

Learned APP for the State opposes the same and says that the offence committed by the appellant is serious in nature and ,therefore, he does not deserve any leniency. The Ld. APP further states that as per Nominal Roll, the appellant has been in jail for three years, one month and six days whereas he has been sentenced to four years RI and fine for Rs. 1000/- for the offence punishable under section 395 IPC and further sentenced to three years RI and fine for Rs. 1000/- for the offence punishable under section 457 IPC.

I have considered the rival submissions.

Keeping in view the fact that appellant is young man and has three daughters and old aged parents to look after and also the fact that he is the only bread earner of his family, the order on sentence dated 11.12.2018 is modified to the effect that appellant is sentenced to the period already undergone.

An intimation to this effect be also sent to the Jail Superintendent in this regard. The appellant be released, if not required, in any other case.

Ordered accordingly.

The appeal stands disposed of accordingly.

Copy of this Judgment be sent to the concerned Jail Superintendent for intimation and compliance.

BRIJESH SETHI, J

SEPTEMBER 27, 2019

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