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

+ **CRL.REV.P. 1042/2019 and CRL.M.(BAIL) 1745/2019**

RAM SINGH

..... Petitioner

Through: Mr. N. M. Duteja, Mr. Neerja
Bhardwaj with Ms. Aditya Mishra,
Advs.

versus

STATE

..... Respondent

Through: Mr. K.K. Ghai, APP for State
Insp. Pankaj, PS Punjabi Bagh

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **05.12.2019**

CRL.M.(BAIL) 1745/2019

Vide the present application, the applicant/petitioner seeks direction thereby suspending the sentence of the applicant dated 21.10.2017 passed by the Ld. MM, Tis Hazari Courts, Delhi in FIR No. 984/1999.

Counsel for the petitioner, on instructions from the petitioner, who has been produced from jail, states that out of the total sentence of one year, the petitioner has already undergone incarceration for a period of more than five months. Thus, he seeks directions thereby to release the petitioner by maintaining the conviction period, which is already undergone.

The accident occurred in the year 1999, the FIR in question was registered on 10.12.1999 and since then, the petitioner has been facing the prosecution proceedings and finally vide judgment dated 11.08.2017, he was

convicted and vide order on sentence dated 21.09.2017 sentenced to undergo SI for one year with a compensation of ₹75,000/- to be paid in favour of the family of the deceased.

It is not in dispute that as per VIR (Victim Impact Report), there are no legal heirs of the deceased. Also, during the trial, petitioner has been defended by legal aid counsel and so in the present petition. It establishes that the petitioner is from the lower strata of society and he has no means to pay the fine, as imposed by the Trial Court.

Since the petitioner seeks direction thereby to be released on the sentence already undergone, therefore, I hereby while maintaining the conviction order dated 11.08.2017, modify the sentence order dated 21.09.2017, in the extent that petitioner shall be released on the sentence already undergone.

The concerned jail superintendent is directed to release the petitioner forthwith, if not required in any other case.

Copy of the order be communicated to the Jail Superintendent for compliance.

The petition is accordingly partially allowed.

Order dasti under signatures of the Court Master.

SURESH KUMAR KAIT, J

DECEMBER 05, 2019

MS