

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

Date of Order: January 07, 2019

+ CRL.A. 254/2018

RASHID SHEIKH

..... Appellant

Through: Mr. Amit Singh Rathore, Advocate

Versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Izhar Ahmed, Additional
Public Prosecutor for State with SI
Karamvir, P.S. Narela

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned judgment of 6th December, 2017 holds appellant guilty of offences under Sections 392/506(II) IPC and vide impugned order of 13th December, 2017, appellant has been sentenced to rigorous imprisonment for three years with fine of ₹3,000/- for the offence under Section 392 IPC and for the offence under Section 506(II) IPC, appellant has been sentenced rigorous imprisonment for two years. Both the sentences have been directed to run concurrently.

2. Upon hearing and on perusal of the evidence on record, I find that conviction of the appellant for the offences in question is borne out from the evidence on record. However, I find that trial court has observed in

the impugned order on sentence that appellant is not a previous convict and was aged 27 years on the date of incident and is the sole bread earner of his family. Perusal of nominal roll of appellant reveals that appellant has remained behind bars for nearly two years. In the peculiarity of this case, it is deemed appropriate to reduce the substantive sentence of appellant from 3 years to 2 years, while maintaining the sentence in default thereof. Impugned order on sentence is accordingly modified in the peculiarity of this case and so, this order shall not carry any precedential value.

3. The appellant be apprised of this order forthwith through the concerned Jail superintendent.

4. This appeal stands disposed of in aforesaid terms.

JANUARY 07, 2019
p'ma

(SUNIL GAUR)
JUDGE

नस्यमेव जयते