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

+ **CRL.REV.P. 367/2018 & CRL.M.(BAIL) 693/2018**

**KULDEEP @ MANOJ KUMAR**

..... Petitioner

Through: Mr. Salman Hashmi, Advocate

Versus

**STATE**

..... Respondent

Through: Ms. Neelam Sharma, Additional  
Public Prosecutor for State with SI  
Vishnu Dutt.

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**

**09.05.2019**

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Petitioner has been convicted for the offence under Section 377 of Cr.P.C. and has been sentenced to rigorous imprisonment for three years and fine of ₹10,000/- with default clause.

The facts as noticed in the impugned judgment of 16<sup>th</sup> January, 2018 needs no re-production. On the basis of evidence led, petitioner has been convicted and sentenced as noticed hereinabove.

Upon hearing and on perusal of the impugned judgment of appellate court and trial court, I find no infirmity in the concurrent findings returned by the Court below. However, on the quantum of sentence, I find that as per nominal roll, petitioner has already undergone the sentence of 2 years, 4 months and 29 days as on 2<sup>nd</sup> May, 2019. There is no minimum sentence prescribed for the aforesaid sentence.

In the facts and circumstances of this case, it is deemed appropriate to reduce the substantive sentence awarded to petitioner from three years to the period already undergone by him, while maintaining fine and sentence in default thereof.

With aforesaid extent, the impugned order stands modified and this petition is accordingly disposed of. Petitioner be informed about this order through concerned Jail Superintendent.

**(SUNIL GAUR)**  
**JUDGE**

**MAY 09, 2019**  
*p'ma*