IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Jail Appeal No. 34 of 2018

Rasheed Ahmad @ Budha and another ...Appellants

Vs.

State of Uttarakhand ...Respondent

Mr. Sanjay Raturi, Amicus Curiae for the appellants.
Mr. Ranjan Ghildiyal, A.G.A. for the State of Uttarakhand.

Dated: 24th September, 2020

Hon'ble N.S. Dhanik, J.

This criminal jail appeal is preferred against the judgment and order dated 12.03.2018 passed by learned Special Judge, Gangster Act, Dehradun in Special Sessions Trial No. 18 of 2011, whereby the appellants were convicted under Section 3(1) of UP Gangster Act and was sentenced to undergo five years rigorous imprisonment for each along with a fine of Rs. 10,000/- each.

2. Shri Sanjay Raturi, learned Amicus Curiae submits that the appellants have already been convicted for life in some other case and undergoing life imprisonment in District Jail, Haridwar and hence he does not want to contest the present criminal jail appeal on merits. Learned Amicus Curiae limits his argument only on the quantum of sentence and argued that the sentence in default of fine may be waived off.

3. Learned State Counsel submits that the appellants have already served the original sentence as awarded and the sentence in default of depositing the fine is left. He also admits the fact that the appellants have already awarded life sentence in the past and presently they are undergoing life sentence in District Jail, Haridwar.

4. The appellants have already served the sentence as awarded by the trial Court, and the learned Amicus Curiae do not press the appeal on merits. The appellants are convicted for heinous crime and I do not find any good ground that the imprisonment awarded for default of payment of fine to be waived off. Accordingly, the present criminal jail appeal stands dismissed. The conviction of the appellants is hereby upheld.

5. Let a copy of this judgment and order, along with the LCR be sent back to the Court concerned.

(N.S. Dhanik, J.)
24.09.2020

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