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

+ **CRL.A. 72/2016 and CRL.M.A. 1125/2016**

STATE

..... Appellant

Through: Ms Kusum Dhalla, APP for State.
ASI Anil Kumar, PS Kanjhawala.

versus

MOHD. NASEEM @ RAJU @ TARE

..... Respondent

Through: Mr Saurabh Kansal and Ms Pallavi S.
Kansal, Advocates along with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.02.2020

1. The State has filed the present appeal, *inter alia*, praying that the punishment imposed on the respondent be enhanced. The respondent was convicted of an offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and further sentenced to probation for a period of one year.
2. The present appeal was taken up on 10.01.2020 and it was pointed out by the learned counsel for the respondent that the respondent had already undergone custody for over one year as an undertrial.
3. In view of the above, this Court had directed the jail authorities to furnish the nominal roll and the same has been furnished.
4. It is seen from the nominal roll that the petitioner was in custody as on undertrial from 28.12.2013 to 03.01.2015; that is, for a period of one year and six days.

5. In view of the above, even if the petitioner's sentence is enhanced as prayed for by the learned counsel for the State, the appellant would have undergone the sentence served.

6. In view of the above, this Court does not consider it apposite to allow the present appeal.

7. The same is, accordingly, dismissed. The pending application is also disposed of.

VIBHU BAKHRU, J

FEBRUARY 18, 2020
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