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

% ***Date of decision: July 18, 2023***

+ CRL.A. 1289/2019

STATE

..... Appellant

Through: Mr. Tarang Srivastava, APP with
Insp. Sribhagwan and SI Pardeep
Kumar, P.S. Mahendra Park

versus

SACHIN @ SHAKTI

..... Respondent

Through: Mr. B. Badrinath, Advocate
(DHCLSC) with Mr. Dhruv
Bhardwaj, Advocate

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The present appeal has been preferred by appellant-State seeking setting aside of the impugned order/ judgement dated 23.05.2019 passed by learned ASJ, North District, Rohini Courts, Delhi whereby the learned trial court has held respondent guilty for the offences committed under Sections U/s. 307/34 IPC & U/s. 25/27/54/59 Arms Act, in FIR No.129/2018, registered at P.S. Mahendra Park, Delhi . However, sentence has been awarded to the period already undergone by the respondent.

2. The brief facts, as spelt out in the appeal, are that on 26.03.2018 respondent-accused-Sachin along with other accused Lokesh Kumar and Sandeep, in furtherance to their common intention to commit murder of



one Subodh, had fired a gunshot at him.

3. On the complaint of Subodh, the FIR in question was registered and accused persons were arrested. Charges under Sections 307/34 IPC & under Sections 25/27/54/59 Arms act were framed by the trial court against the accused persons wherein, respondent herein, namely, Sachin @ Shakti pleaded guilty and did not claim trial. Vide impugned judgment dated 15.05.2019 respondent Sachin @ Sakti was held guilty and vide Order on Sentence dated 23.05.2019, he was awarded sentence for the offence under Section 307/34 IPC. Vide impugned order on sentence the learned trial court awarded him sentence for the period already undergone by him and to pay fine of Rs. 30,000/- and in default thereof, he was directed to undergo SI for 6 months.

4. Aggrieved against the aforesaid order on sentence dated 23.05.2019, the present appeal has been preferred by appellant/State on the ground that the offence committed by the respondent was heinous in nature and punishment awarded is disproportionate to the offence committed.

5. Learned APP for State submitted that the trial court has erred in releasing the respondent for the period already undergone by him, whereas stricter punishment should have been awarded to him for the offence under Sections 307/34 IPC. Hence, setting aside of the impugned order on sentence has been sought by the appellant/State.

6. To the contrary, learned counsel appearing on behalf of the respondent/accused submitted that the accused had pleaded guilty before the learned trial court and for the offences committed, he has already undergone agony of being behind bars for approximately 11 months and so, the trial court has rightly convicted him for the period already undergone



by him. Learned counsel submits that the quantum of sentence awarded to the respondent is justified in the facts of the present case and calls for no interference by this Court. Hence, dismissal of the present appeal is sought.

7. Upon hearing learned counsel representing both the sides and on perusal of impugned judgment dated 15.05.2019 as well as order on sentence dated 23.05.2019, this Court finds that the challenge to the impugned orders by the appellant/State is limited to the quantum of sentence awarded. Pertinently, the respondent/accused had pleaded guilty and the learned Trial court in the impugned order on sentence has noted that a lenient view is required to be taken towards him for the reason that he was a young man of 19 years of age at the relevant time and the first time offender. The trial court has observed that an opportunity to reform respondent/accused has to be given to him to join the mainstream of the society.

8. This Court has no different opinion than the one rendered by the trial court. In our considered view, for the offence committed, the respondent/accused has already remained in custody for more than 11 months and deserves an opportunity to reform and reintegrate his life.

9. Accordingly, the order on sentence dated 23.05.2019 is upheld.

10. The present appeal stands dismissed.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JULY 18, 2023/r/rk