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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 % **Date of decision: 25.07.2023**
 + **CRL.A. 1453/2019 & CRL.M.(BAIL) 363/2023**

SHYAM LAL Appellant
 Through: Mr. Ajay Verma, Advocate

Versus

STATE (GOVT OF NCT) DELHI Respondent
 Through: Mr. Tarang Srivastava, APP for
 State with SI Radha

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA
JUDGMENT (oral)

1. The present appeal has been preferred by the appellant seeking setting aside of the conviction vide judgment dated 02.09.2019 and order on sentence dated 07.09.2019 passed by learned Special Judge (POCSO Act)/Additional Sessions Judge-05, Central District, Tis Hazari Courts, Delhi in S.C. No.28969/2016 in FIR No.423/2016, for the offences U/s 376/506 IPC and Section 6 of POCSO Act, registered at Police Station I.P. Estate, Delhi. The Trial Court has directed the appellant to undergo maximum punishment for life imprisonment with a fine of Rs.5,000/- for committing an offence U/s 6 POCSO Act and in default payment of fine he has been directed to undergo an SI for six months Appellant was further sentenced to undergo RI for seven years with a fine of Rs.2,000/- for the offence U/s 506 Part II IPC and in default of payment of fine, he was sentenced to undergo SI for three months. All the sentences have been directed to run concurrently.

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2. Learned counsel for appellant, on instructions, does not dispute the conviction vide impugned judgment dated 02.09.2019. However, he submits that this court may modify the sentence awarded vide order dated 07.09.2019 to the extent that the appellant may be sentenced to undergo 10 years as is prescribed under the POCSO Act.
3. Learned counsel for appellant to substantiate his stand, relies upon Order dated 29.11.2022 passed by Hon'ble Supreme Court in Special Leave Petition (Crl.) No.529/2021 titled as '*Sonadhar vs. The State of Chhattisgarh*' wherein directions were issued to NALSA and Ministry of Home Affairs to explore the premature release of life sentence cases can be included in the system for periodic review so that the matter is not delayed.
4. As submitted by learned counsel, the appellant has already undergone more than eight years' incarceration which has not been disputed by learned APP for respondent-State.
5. We hereby modify the sentence awarded to the appellant vide impugned order on sentence dated 07.09.2019 to the extent that appellant shall undergo sentence for a period of 10 years and on completion of sentence, the appellant shall be released from jail, if not required in any other case.
6. With aforesaid observations, the present appeal stands accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JULY 25, 2023/rk