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

+ CRL.A. 576/2003

RAKESH CHAUHAN

..... Appellant

Through: Mr. Vineet Jain, Advocate (through
VC).
Appellant in person.

versus

STATE N.C.T. OF DELHI

..... Respondent

Through: Mr. Mukesh Kumar, APP for the
State with SI Manisha, P.S. GK-I.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **31.01.2024**

1. The present appeal under Section 374 of the Cr.P.C. has been filed challenging the judgment of conviction and order on sentence dated 08.08.2003, passed by Sh. Babu Lal, learned Additional Sessions Judge, New Delhi, arising out of FIR No. 101/2001, under Sections 395/506/34 of the IPC, registered at P.S. Greater Kailash-I, whereby, the present appellant has been convicted for the offences punishable under Sections 451/395/34 of the IPC and has been sentenced to undergo rigorous imprisonment for 05 years for the offence punishable under Section 451/34 of the IPC and rigorous imprisonment for 07 years alongwith fine of Rs. 500/- of the offence punishable under Section 395/34 of the IPC and in default of payment of fine, further simple imprisonment for 03 months and both the sentences were directed to run concurrently.



2. The appellant is present in Court alongwith his Counsel, who appears through video conferencing submits that he does not wish to press the appeal *qua* the judgment of conviction. However, it is submitted that the order on sentence be modified to the extent of period already undergone by the present appellant. It is submitted that the appellant has a family to support comprising of his mother, who is aged about 90 years, wife and minor children. It is further submitted that the present appellant is now working in a garment factory and therefore, a lenient view may be taken with respect to order on sentence.

3. *Per contra* learned APP for the State submits that as per nominal roll received from the concerned Jail Superintendent, there are several other involvements of the present appellant.

4. In rejoinder, learned counsel for the appellant, on instructions of the latter, submits that he has been acquitted in the those cases except in case, i.e. FIR No. 893/2000, under Section 420 of the IPC, registered at P.S. Sector-20, Noida, G.B. Nagar which is pending trial.

5. Heard learned counsel appearing on behalf of the parties and perused the record.

6. As per nominal roll dated 30.01.2024 received from the concerned Jail Superintendent, the appellant has already undergone sentence of 02 years 10 months and 28 days. Nominal roll further reflects that the conduct of the present appellant in jail was satisfactory during that period. It further reflects that the fine imposed on the appellant has been paid. The present FIR relates to 2001 and the appellant has a family to support.

7. In totality of facts and circumstances of the case, the order on sentence is modified to the extent that the sentence awarded to the appellant



under Sections 451/395/34 of the IPC is reduced to the period already undergone by him.

8. In view of the above, the appeal is partly allowed and disposed of.
9. Pending application(s), if any, also stand disposed of.
10. A copy of this order be communicated to the concerned Jail Superintendent for necessary information and compliance.
11. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

JANUARY 31, 2024/bsr