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

+ CRL.A. 221/2013

SATISH YADAV

.....Appellant

Through: Mr. Atul Guleria, *Amicus Curiae* with
appellant in-person.

versus

STATE & ANR.

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State.
SI Sheetal, PS: Swaroop Nagar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

08.10.2024

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The appellant is present in-person and is identified by SI Sheetal, PS: Swaroop Nagar, Delhi. Though counsel for the appellant is not present at the time when the matter is called-out, the appellant submits that he does not wish to await the presence of his counsel.

2. *Vide* judgment of conviction dated 31.10.2012 the appellant has been convicted for the offences under sections 354/452/509 of the Indian Penal Code, 1860 ('IPC') and has been sentenced *vide* sentencing order dated 19.12.2012 to rigorous imprisonment for 2 years and fine of Rs.2,000/- for the offence under section 354 IPC; to RI for 4 years and fine of Rs. 4,000/- for the offence under section 452 IPC; and to RI for 1 year for the offence under section 509 IPC. It may be noticed that initially the FIR against the appellant had been filed for offences under sections 376/511/509/452 IPC but the conviction is under the provisions referred to above.
3. The record shows that the present appeal was 'admitted' for hearing *vide* order dated 15.02.2013 and the appellant's sentence was



suspended *vide* order dated 12.05.2014 made in the present proceedings. The appellant has been on bail ever-since.

4. In view of the directions of the Supreme Court in order dated 06.10.2021 made in SLP (Crl.) No. 529/2021 titled ***Sonadhar vs. State of Chhattisgarh***, *vide* last order dated 19.09.2024, this court had called for the updated nominal roll of the appellant; and had also put to him, whether he was willing to avail the benefit of the directions of the Supreme Court contained in *Sonadhar* (supra) by not pressing the present appeal on merits if he is released on the period of sentence already undergone. The court had granted time to the petitioner to consider this aspect and the matter was posted to today.
5. Ms. Shubhi Gupta, learned APP appearing for the State has drawn attention to Nominal Roll dated 03.10.2024, which records that the appellant had already undergone 01 year 10 months and 14 days of the sentence and had earned remission of 4 months and 7 days as of 19.05.2014, which is the date on which he was released from prison on suspension of sentence. The nominal roll further records that his jail conduct had been 'satisfactory'; and that he has no other criminal involvements.
6. Since the appellant's counsel is not present and he has expressed that he does not wish to await the presence of his counsel, by way of abundant caution, Mr. Atul Guleria, learned counsel who is present in court is requested to represent the appellant and to explain to him the purport of the judgement of the Supreme Court in *Sonadhar* (supra), and the possibility of availing early release from prison on sentence undergone, if the appellant decides not to press the appeal on merits.



7. Mr. Guleria has explained the above position to the appellant.
8. The appellant has categorically said that if he is released from prison on the period of sentence already undergone, he admits to his conviction; expresses remorse at the actions that led to his conviction; and would not press the present appeal on merits.
9. The court has also personally interacted with the appellant in the vernacular and has explained the exact position, viz. that if he wishes to avail the release on the period of sentence already undergone, he would have to accept his infraction and agree to the disposal of the appeal by reducing the sentence awarded to the period already undergone, without challenging his conviction on merits.
10. The court is satisfied that the appellant has understood the implication of what he is admitting-to; and that the appellant has voluntarily agreed to being released on the period of sentence already undergone, with an undertaking that he would not press the appeal on merits.
11. In the circumstances, the present appeal is disposed-of upholding the conviction of the appellant, but reducing the sentence imposed upon him to the period of sentence already undergone; and thereby closing all proceedings in the matter.
12. Bail bonds furnished are cancelled; surety stands discharged.
13. A copy of this order be communicated to the concerned Jail Superintendent *forthwith*.
14. Appeal is disposed-of in the above terms.
15. Pending applications, if any, also disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 8, 2024/ss