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

+ CRL.A. 1385/2019

STATE

.....Appellant

Through: Mr. Amit Ahlawat, APP for the State
SI Loveleen PS Moti Nagar

versus

VIRENDER SINGH

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

02.08.2024

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1. Despite repeated attempts to serve the respondent, no one appears on behalf of respondent.
2. This appeal is preferred by the State praying against order on sentence dated 4th September 2019; praying for enhancement of sentence. Respondent was convicted by judgment dated 16th August 2019 for offence under Section 363 IPC and Section 12 POCSO and was sentenced to the period already undergone with fine Rs.5,000/-.
3. This was in special circumstances since respondent, in his statement recorded under Section 313 Cr.P.C., admitted his guilt. The order on sentence notes that the convict has requested for a lenient view to be taken as he was aged 30 years; had studied upto 10th standard and he belongs to a poor family, and earns Rs.5,000/- per month. He had no previous involvements and did not have any other asset.
4. FIR No.116/2013 in this case was registered at P.S. Moti Nagar, in relation to allegation of sending obscene messages to the victim.
5. In view of the plea of guilt taken by the respondent/accused in this case, observations of a Division Bench of this Court in *Govt. of NCT of Delhi*



v. Sonu Crl.A. No. 1256/2019 dated 21.11.2019, in a similar context are instructive as extracted under:

“19. The fact that the respondent-accused had voluntarily pleaded guilty merits consideration especially in view of our overburdened judicial system. As 'judicial capital' in terms of manpower and resources is extremely limited, the accused who enters the plea of guilt cannot stand on the same pedestal as an accused who is convicted and sentenced after a full-fledged trial. The Law Commission in its 142nd Report titled —Concessional Treatment For Offenders Who On Their Own Initiative Choose To Plead Guilty Without Any Bargaining” has observed as under:-

“It is not just and fair that an accused who feels contrite and wants to make amends or an accused who is honest and candid enough to plead guilty in the hope that the community will enable him to pay the penalty for the crime with a degree of compassion and consideration should be treated on par with an accused who claims to be tried at considerable time-cost and money-cost to the community.”

6. Taking a holistic view of the matter, the ASJ awarded the sentence, as mentioned above. A compensation of Rs.1 lakh was also awarded to the victim out of which Rs.30,000/- was to be deposited by the convict and Rs.70,000/- was to be paid by the State through the DLSA.

7. The impugned order in fact states that total fine of Rs.10,000/- and compensation of Rs.30,000/- to be paid by the convict, was deposited.

8. In the peculiar circumstances, taking in account all aspects of the matter, this Court does not find any infirmity in the impugned order / judgment. Accordingly, the appeal is dismissed.

9. Pending application, if any, stands disposed of as infructuous.

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 2, 2024/sm