



\$~11

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

+ **CRL.A. 211/2015**

VIKAS @ SONU @ ANR. Appellants

Through: Mr. Vikas Padora & Mr.
Dipanshu Chugh, Advs.
for A1
Ms. Sunita Arora, Adv.
(DHCLSC) for A2

versus

STATE Respondent

Through: Mr. Utkarsh, APP for the
State
SI Murari Krishan, PS-
NFC

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
23.02.2024

1. The appellants have filed the present appeal under Section 374(2) of the Code of Criminal Procedure, 1973 against the judgment of conviction dated 09.10.2014 and order on sentence dated 21.10.2014, passed by learned ASJ-02, Saket Court, Delhi, whereby Appellant No.1 has been convicted under Section 394/34 of the Indian Penal Code, 1860 ('IPC') and has been sentenced to undergo rigorous imprisonment for a period of seven years along with fine of ₹10,000/- and in default, further simple imprisonment for one year.

2. Appellant No.2 has been convicted for offences under Section 397/34 of the IPC and Section 25 of the Arms Act, 1959 and has been sentenced to undergo rigorous imprisonment for



eight years along with fine of ₹10,000/- and in default, further simple imprisonment for one year for offence punishable under Section 394/34 read with Section 397 of the IPC. He has been further sentenced to undergo rigorous imprisonment for three years along with fine of ₹5,000/- and in default, further simple imprisonment of six months for offence punishable under Section 25 of the Arms Act, 1959. Both the sentences were to run concurrently.

3. The learned counsel appearing on behalf of the appellants, on instructions, submits that the appellants do not press the challenge in the present appeal with respect to the judgment of conviction dated 09.10.2014.

4. She submits that Appellant No.1 has already undergone the sentence awarded by the learned Sessions Court by order on sentence dated 21.10.2014.

5. She submits that as per the nominal roll, out of the total sentence of 8 years, Appellant No.2 has already undergone five years four months and seven days with one year and eight months remission. She submits that Appellant No.2 is not involved in any other case and the conduct as per the nominal roll has been satisfactory.

6. She further submits on instructions, that the appeal may be modified to the extent that the quantum of sentence *qua* Appellant No.2, is challenged.

7. The learned Additional Public Prosecutor for the State submits that as per nominal roll, Appellant No.1 has completed his sentence.

8. Heard learned counsel for the parties and perused the record.

9. Briefly stated, the facts of the case are that both the



appellants in connivance with each other had robbed the victim and thus were convicted under Sections 394/34 of the IPC and since Appellant No.2 used a deadly weapon i.e. knife while robbing the victim to restrain him, he was thus, convicted under Sections 394/397 of the IPC and under Section 25 of the Arms Act,1959.

10. In totality of the facts and circumstances, no useful purpose will be served by sending Appellant No.2 to undergo further incarceration, when he has already completed 7 years of incarceration out of the sentence awarded to him for 8 years. The primary objective of the sentencing policy is to achieve justice through a fair, proportionate, and effective sentencing system and it also includes rehabilitating and reforming the offenders, with the goal to reintegrate them into society as law-abiding citizens.

11. As per the nominal roll *qua* Appellant No.2, dated 20.04.2023, he has undergone five years four months and seven days with one year and eight months remission. The nominal roll also reflects that the conduct of Appellant No.2 was satisfactory during the period of incarceration. It further reflects that Appellant No.2 has not been involved in any other case.

12. It is also pointed out that this court by order dated 12.12.2019 has suspended the sentence of Appellant No.2 during the pendency of the appeal.

13. It is not denied that the appellants herein do not wish to press the present appeal and Appellant No.1 has already undergone the sentence awarded to him by the learned Sessions Court.

14. In these circumstances, the sentence awarded to Appellant No.2 is reduced to period already undergone. The fine imposed on him of ₹10,000/- and default sentence is however, maintained.



15. The appeal is partly allowed and disposed of accordingly.
16. Bail bonds furnished by the appellants stand discharged.

AMIT MAHAJAN, J

FEBRUARY 23, 2024
“SS”