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

% **Date of Decision: 22.05.2024**

+ CRL.A. 588/2009

SAMPURAN SINGH

..... Appellant

Through: Mr. Ujjwal Goel and Mr. M.L. Sharma, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Manoj Pant, APP for the State with Ms. Divya and Ms. Ritika Racchoya, Advocates along with SI Deepak Kumar, P.S. Jahangir Puri.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (ORAL)

1. The instant appeal under Section 374 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed by the appellant against judgment and order on sentence dated 06.07.2009 and 17.07.2009 passed by the learned Additional Sessions Judge, Fast Track Court, Rohini Courts ('learned Trial Court'), Delhi whereby the appellant was convicted under Section 308 of the Indian Penal Code, 1860 ('IPC') and had been sentenced to undergo rigorous imprisonment for a period of two years with fine of Rs.5,000/- and in default of payment of fine, to further undergo



simple imprisonment for a period of one month.

2. Briefly stated, it is the case of the prosecution that on 03.08.2001 at around 06:15 PM, Police Station Jahangirpuri, New Delhi had received an information whereby it had been stated that a person named Ram Kumar was injured in a fight near Bandhan Banquet Hall and had been admitted to G.T.K. Hospital, Adarsh Nagar, Delhi. This information had been recorded as DD No. 19 and had been assigned to SI Balbir Singh for further necessary action. After that, SI Balbir Singh and Constable Vijender had gone to the hospital but upon arrival they had been informed that Ram Kumar i.e., injured/victim was not fit to make a statement. Subsequently, SI Balbir Singh had then collected the medical report, which indicated that the injuries had been caused by a sharp weapon. Later, SI Sukhbir Singh took over the investigation and had recorded Ram Kumar's statement. Accordingly, on the statement of the injured, a FIR had been registered at Police Station Jhangirpuri, New Delhi for offences punishable under Sections 307/34 of the IPC against the accused persons including the appellant herein.

3. Thereafter, the learned Trial Court *vide* order dated 22.07.2003 had framed charges against the present appellant for offences punishable under Section 307 IPC. Further, on the basis of the evidence and material collected during investigation, the learned Trial Court *vide* order dated 06.07.2009 had convicted the present appellant under Section 308 IPC and *vide* order dated 17.07.2009 the learned Trial Court had sentenced the present appellant to undergo rigorous imprisonment for a period of two years with fine of



Rs.5,000/- and in default of payment of fine, to further undergo simple imprisonment for a period of one month. Aggrieved by the impugned orders dated 06.07.2009 and 17.07.2009 passed by the learned Trial Court, the present appeal has been preferred by the appellant herein.

4. Learned counsel appearing on behalf of the appellant submits that he is not pressing the present appeal on its merits. It is further submitted that he rather prays for leniency and alteration of sentence since the offence was committed 23 years back. It is also humbly requested by the learned counsel for the appellant that the appellant prays for leniency in sentencing and submits that the sentence already undergone by him may be treated as the full sentence imposed upon him.

5. Per Contra, learned APP for the State submits that he has no objection if the conviction is upheld but sentence of the appellant is reduced to the period already undergone by him.

6. This Court has heard arguments addressed on behalf of both the parties and has gone through the material placed on record.

7. This Court notes that the present case pertains to an FIR that had been registered in 2001, making it a 23-year-old case. The co-accused person had been acquitted by the learned Trial Court as his role was found to be different from the present appellant. Further, it is a matter of record that the present appeal is pending before this Court for last 15 years. The appellant herein was aged about 37 years at the time of the incident, which is of the year 2001. The material available on record shows that in the last 23 years, the appellant has proven to



be a law – abiding citizen, supporting his family and earning an honest living. The material available on record shows that from 2001 till date, his conduct has been good, with no other case registered against him.

8. Thus, considering the overall facts and circumstances of the case, and after going through the nominal roll which mentions that the appellant has already served sentence of rigorous imprisonment for two months and three days out of the sentence awarded to him in the year 2009 and the fact that the conviction is not being challenged, this Court is of the opinion that ends of justice would be met in case the sentence of imprisonment of the appellant be reduced to the period already undergone by him in relation to the present case. However, a further fine of Rs.10,000/- is imposed upon him which shall be deposited in the Delhi High Court Lawyers' Library Fund within three weeks' time after passing of the said judgment.

9. Accordingly, the present appeal stands disposed of in above terms.

10. Bail bond stands cancelled and the surety stands discharged.

11. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 22, 2024/A