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

+ CRL.A. 1035/2017

SONU NAGAR

.....Appellant

Through: Mr. Vikas Kumar, Adv. (VC).

Versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for State.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

25.07.2024

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1. The present appeal has been filed against the judgment / order on the point of sentence dated 23.09.2017 passed by Ld. ASJ, North-East, Karkardooma Courts, Delhi in case FIR No. 251/2015, Criminal Misl. No. 3/2017, under Section 195 IPC, PS Khajuri Khas whereby the appellant has been convicted for the offence punishable under Section 195 IPC r/w 344 Cr.P.C. and has been sentenced to simple imprisonment for a period of two months.
2. Learned APP for state submits that the appellant was a star witness in FIR No. 251/2015 under Section 307/34 IPC and 25/27 Arms Act. However, he turned hostile and stated that no such incident had taken place.
3. Learned APP for State submits that the Ld. Trial Court has passed a reasoned order and there is no reason for the interference in the same.
4. Leaned counsel for appellant submits that he does not want to



challenge the legality of the order. However, a lenient view may be taken, and the order of sentence may be modified to the extent that the appellant may be sentenced to the period already undergone.

5. The perusal of the record indicates that Ld. Trial Court noted that the appellant took a U-turn in his cross-examination and turned hostile under the influence of the accused. I consider that there is a substance in the contentions of the learned APP that when such type of witnesses turn hostile, the same causes damage to the criminal justice system. Since, the appellant is not challenging the legality and validity of the impugned order. The impugned order dated 23.09.2017 is upheld and the sentence is modified to the extent that since the appellant has undergone sentence for 18 days, the order on sentence is modified to the extent that the appellant is convicted for the period already undergone.
6. In view of the above, the present appeal stands disposed of.

DINESH KUMAR SHARMA, J

JULY 25, 2024/AR..