

Rajesh @ Jangali Vs. State

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Court : Delhi

Decided On : Nov-12-2013

Judge : S. P. Garg

Appellant : Rajesh @ Jangali

Respondent : State

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI RESERVED ON :

8. h October, 2013 DECIDED ON :

12. h November, 2013 + CRL.A. 412/2003 RAJESH @ JANGALI Appellant Through : Mr.Sumeet Verma, Advocate with appellant present in person. versus STATE Respondent Through : Mr.M.N.Dudeja, APP. CORAM: MR. JUSTICE S.P.GARG S.P.GARG, J.

1. The present appeal has been preferred by Rajesh @ Jangali to challenge a judgment dated 13.05.2003 whereby in case FIR No.36/2002 registered at Police Station Kalkaji, he was convicted for committing offence punishable under Section 307 IPC and sentenced to undergo Rigorous Imprisonment for five years with fine.

2. Allegations against the appellant were that on 07.01.2002 at about 07.30 P.M. after committing criminal trespass in Jhuggi No.C-149, Dr. Ambadkar Camp, Nehru Place, he inflicted injuries to Rohtash with a churi in an attempt to murder

him. The prosecution examined nine witnesses to prove the charges. In 313 statement, the appellant pleaded innocence and examined four witnesses in defence. The Trial Court after considering the rival contentions of the parties and evidence of the prosecution held him guilty under Section 307 IPC.

3. During the course of arguments, appellants counsel, on instructions, stated at Bar that the appellant has opted not to challenge the findings of the Trial Court on conviction under Section 307 IPC. He, however, prayed to take lenient view as the appellant has already suffered the ordeal of trial/appeal for about ten years and remained in custody for about three and a half years. Learned Additional Public Prosecutor has no objection to consider the mitigating circumstances to modify the sentence/order.

4. Since the appellant has given up challenge to the findings and there is overwhelming evidence of the injured coupled with medical evidence, the conviction under Section 307 IPC is affirmed. Rajesh @ Jungli was awarded rigorous imprisonment for five years with fine `1,000/-. Nominal roll dated 16.08.2005 reveals that he remained in custody for two years, seven months and two days as on 15.08.2005 besides earning remission for eight months and five days. He secured release after two months due to inability to furnish the surety bonds. His overall jail conduct was satisfactory and was not involved in any serious criminal case. The occurrence pertains to the year 2002 and appellants involvement in any other similar offence did not surface thereafter. He was aged about 20 years on the day of incident. The occurrence took place on a trivial issue when the injured had allegedly insulted the appellants mother by passing unwanted remarks on the previous day of the incident which infuriated the young appellant and went to challenge the victim for the ill-treatment given to his mother. In a heat of moment without pre-mediation, he injured Rohtash only and did not attempt to harm his brother Surinder, present in the house. Taking into consideration the mitigating circumstances, the sentence order is modified and the appellant is sentenced to undergo the period already spent by him in this case. He shall, however, pay fine of `1,000/- (if remained unpaid) and shall also deposit `30,000/- as compensation to be paid to the victim in the Trial Court within 15 days. The Trial Court shall release the compensation to the victim after due notice.

5. The appeal stands disposed of in the above terms. A copy of the order be sent to Jail Superintendent, Tihar Jail for information. Trial Court record along with a copy of this order be sent back forthwith. (S.P.GARG) JUDGE November 12, 2013
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