

Shahbuddin vs.state

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Court : Delhi

Decided On : Jan-14-2019

Appellant : Shahbuddin

Respondent : State

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: January 14 , 2019 CRL.A. 1001/2018 & CRL. (BAIL) 1516/2018 SHAHBUDDINAppellant Through: Mr. Maninder Singh, Ms. Aekta Vats and Mr. Anuj Singh, Advocates Versus STATERespondent Through: Ms. Neelam Sharma, Additional Public Prosecutor with SI Anjani Kumar Singh CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL) Vide impugned Judgment of 28th March, 2018, appellant and his co-accused Baldev Raj @ Billu have been held guilty of offence punishable under section 3 (1) (ii) of Maharashtra Control of Organized Crime Act, 1999 (hereinafter referred to as MCOCA). Impugned order of 11th April, 2018, inflicts sentence for imprisonment for the period already undergone by appellant and co-accused, as they had already served sentence of eight years and four months with fine of 5,00,000/-each and in default of they have been directed to undergo simple imprisonment of two years. fine, Page 1 of 2 CRL.A. 1001/2018 At the outset, learned counsel for appellant on instructions of Appellant, who is present in the Court in pursuance to the production warrants, submits that the challenge in this

appeal is confined to the sentence awarded in default of payment of fine. Reliance is placed upon order of 13th September, 2018 of Coordinate Bench of this Court in case of Rafiq vs. State and Baldev Raj @ Billu vs. State to seek reduction in the sentence awarded in lieu of the fine to the period already undergone by appellant. Learned counsel for appellant submits that the case of appellant is at par with the case of co-accused Baldev Raj @ Billu. Upon notice, learned Additional Public Prosecutor for respondent- State, does not dispute the aforesaid stand taken on behalf of appellant. Upon hearing and on perusal of order of 13th September, 2018 passed by Coordinate Bench of the Court in the case of Rafiq vs. State and Baldev Raj @ Billu vs. State, while maintaining the sentence awarded to appellant, the sentence inflicted in default of payment of fine, is reduced to the period already undergone by appellant, which is of more than five months as in the case of co-accused Baldev Raju @ Billu. Appellant be released forthwith, is accordingly disposed of in aforesaid terms. if not wanted in any other case. This appeal

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