

**Sat Narain Vs. State**

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**Court :** Delhi

**Decided On :** Aug-24-1999

**Reported in :** 1999VIAD(Delhi)391; 2000CriLJ1018; 82(1999)DLT350; 1999(51)DRJ526

**Judge :** Dalveer Bhandari, J.

**Acts :** [Indian Penal Code \(IPC\), 1860](#) - Sections 307 and 326

**Appeal No. :** Cri. Appeal No. 21 of 1978

**Appellant :** Sat Narain

**Respondent :** State

**Advocate for Def. :** Mr. M.S. Butalia, Adv.

**Advocate for Pet/Ap. :** Mr. R.P. Kathuria and; Ms. Kailash Golani, Adv

**Judgement :**

ORDER

**Dalveer Bhandari, J.**

1. This appeal is directed against the judgment of learned Additional Sessions Judge, Delhi dated 7.2.1978 by which the accused appellant was convicted under Section 326 IPC and sentenced to four years imprisonment.

2. The facts of the case are that on 30.6.1976 at about 2.15 a.m. at Quarter No. 779, Gulabi Bagh, Delhi accused appellant caused injury to one Jaipal Singh with knife. The accused was charged under Section 307 IPC but ultimately was convicted under Section 326 IPC.

3. Mr. R.P. Kathuria, learned counsel for the appellant, submits that the incident had taken place about 23 years ago and the accused had already served out a part of the sentence of the imprisonment and no useful purpose will be served in sending the appellant to jail for serving out the remaining sentence primarily because of lapse of 23 years in this appeal.

4. Reliance has been placed on the judgment of the Supreme Court in the case of Sarup Chand v. State of Punjab: reported in 1987 (1) Crimes 818. In this case the appellant was convicted by the trial court under Section 161 IPC and under Sections 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1947. The conviction was upheld by the High Court. While maintaining the conviction the Supreme Court had reduced the sentence to the period already undergone on the ground that six years have passed from the date of the incident and this is the first time the appellant had committed an offence. In the instant case, 23 years have lapsed since the date of the incidence and the appellant has not been involved in other criminal cases.

5. The learned counsel for the appellant also relied on the judgment of this Court in the judgment of Inder Parkash Shingal v. State; 38(1989) DLT 5. In this case also the accused appellant was convicted under Section 161 Indian Penal Code and Sections 5(1)(d) & (2) of the Prevention of Corruption Act, 1947. The Court reduced the sentence of the imprisonment of appellant to the period already undergone on the ground that the appellant has faced the agony of trial for about 18 years now.

6. The learned counsel, for the appellant placed reliance on some of the decided cases in which their Lordships of the Supreme Court in the case of B.G. Goswami v. Delhi Administration: 1973 SCC 796, observed as under:-

'Now the question of sentence is always a difficult question, requiring as it does, proper adjustment and balancing of various considerations which weigh with a judicial mind in determining its appropriate quantum in a given case. The main purpose of the sentence broadly stated is that the accused must realise that he has committed an act which is not only harmful to the society of which he forms an integral part but is also harmful to his own future, both as an individual and as a member of the society. Punishment is designed to protect society by deterring potential offenders as also by preventing the guilty party from repeating the offence; it is also designed to reform the offender and reclaim him as a law abiding citizen for the good of the society as a whole. Reformatory, deterrent and punitive aspects of punishment thus play their due part in judicial thinking while determining the question. In modern civilised societies however, reformatory aspect is being given somewhat greater importance. Too lenient as well as too harsh sentence both lose their efficaciousness. One does not deter and the other may frustrate thereby making the offender a hardened criminal. In the present case, after weighing the considerations already noticed by us and the fact that to send the appellant back to jail now after seven years of the agony and harassment of these proceedings when he is also going to lose his job and has to earn living for himself and for his family members and for those dependent on him, we feel that it would meet the ends of justice if we reduce the sentence of imprisonment to that already undergone but increase the sentence of fine from Rs. 200/- to Rs. 400/-. Period of imprisonment in case of default will remain the same.'

7. This case has been followed in a number of subsequent judgments by the Supreme Court and various other courts. In *Ramesh Kumar Gupta Vs . State of M.P.*, : 1995 CriLJ3656 , while referring to the judgment of *B.G. Goswami v. Delhi Administration* (supra), the sentence of imprisonment was reduced to the period already undergone, in a case where the accused was convicted under Section 161 of the Indian Penal Code.

8. In the instant case, the incident had taken place in 1976. The basic facts regarding the delay are quite akin to the facts of *Shri Ramesh Kumar Gupta* case (supra). The appellant had undergone some part of the sentence and faced trauma of criminal proceedings for almost 23 years.

9. On consideration of all the relevant facts and circumstances of this case, in my considered opinion the ends of justice shall be met by upholding the conviction of the appellant. However, the sentence of imprisonment of the appellant is reduced to the period already undergone.

10. The appeal is accordingly disposed of.

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