

Fateh Singh Vs. State

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Court : Delhi

Decided On : Jul-20-2001

Reported in : 93(2001)DLT377

Judge : R.S. Sodhi, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 392 and 397

Appeal No. : Crl. Appeal Nos. 256 and 277 of 1994

Appellant : Fateh Singh

Respondent : State

Advocate for Def. : Santosh Kohli, Adv.

Advocate for Pet/Ap. : R.P. Luthra, amices Curia

Judgement :

R.S. Sodhi, J.

1. Criminal Appeals Nos. 256/1994 are directed against the Judgment and Order of the learned Additional Sessions Judge, Delhi in SC No. 34-A/1994 whereby the learned Judge vide his Judgment and Order dated 30.8.1994 held that the appellants guilty under Sections 392/397, IPC and further by a separate Order dated 31.8.1994 sentenced the accused to undergo rigorous imprisonment for

seven years.

2. The cases when called out today, nobody appeared for the appellants in support of the appeals. Since these are cases of 1994 and have been shown on the list for a sufficient amount of time, it can brook no further delay. I, therefore, appoint Mr. R.P. Luthra as amicus Curiae, who is present on behalf of Delhi State Legal Service Authority to assist the Court.

3. With the assistance of the learned amicus curiae, I have gone through the record of the case. The learned amicus curiae, after carefully examining the record of the case, fairly conceded that he is not in a position to challenge the Judgment of conviction. He, however, confined his arguments to the question of sentence. He has referred to the Judgment of the Supreme Court in : 2001 CriLJ147, Dhanai Mahto and Another where the Supreme Court has, while dealing with the case under Section 397, IPC, reduced the sentence to below the minimum prescribed. He submits that the occurrence is of 1983 and that the appellants have already undergone a fair amount of sentence. They have not belied the trust bestowed upon them by this Court. They have faced the ordeal of trial for 18 years. They have now joined the mainstream of the society as useful citizens and no useful purpose will be served in requiring them to undergo the remaining portion of sentence at this belated stage.

4. Learned Counsel for the State agrees with the submissions made by the learned Counsel for the appellants. She submits that this is a fit case where the sentence of imprisonment can be reduced to that already undergone.

5. Having heard learned Counsel for the parties and perused the Judgment under challenge, I uphold the Judgment of conviction but modify the Order of sentence to that already undergone.

6. With this modification, Criminal Appeals 256/1994 and 277/1994 stand disposed of.

7. Bail bonds and the sureties stand discharge.

Record of the Trial Court be sent back forthwith.

9. Appeals disposed of.

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