

**Ramphool Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/707879](http://sooperkanoon.com/707879)

**Court :** Delhi

**Decided On :** Jul-23-2001

**Reported in :** 93(2001)DLT366

**Judge :** R.S. Sodhi, J.

**Acts :** [Indian Penal Code \(IPC\), 1860](#) - Sections 308

**Appeal No. :** Crl. Appeal No. 33 of 1995

**Appellant :** Ramphool

**Respondent :** State

**Advocate for Def. :** U.L. Watwani, Adv.

**Advocate for Pet/Ap. :** Nem

**Judgement :**

**R.S. Sodhi, J.**

1. This criminal appeal is directed against the judgment and order dated 25.1.1995 of the learned Additional Sessions Judge in case FIR No. 219/1989 registered at the Police Station Badarpur whereby the learned Additional Sessions Judge held the appellant guilty under Section 308, IPC and further by his order dated 27.1.1995 sentenced the appellant-accused to undergo R.I. for 18 months with a

fine of Rs. 8,000/- and in default of payment of fine to further undergo R.I. for three months.

2. The case when called out today, nobody appeared for the appellant in support of the appeal, inspire of warning being indicated in the cause list. Since this is a case of 1995 it can brook no further delay. Mr. R.P. Luthra is present on behalf of the Legal Aid. I, thereforee, appoint him as amices Curiae to assist me in this case.

3. With the assistance of learned amices Curiae and learned Counsel for the State, I have gone through the record of the case. Learned amices on the basis of the record submits that he is not in a position to challenge the judgment under challenge but has confined his arguments to the question of sentence only. He submits that the sentence undergone would suffice for the reasons that the case relates to 12.11.1989 and the appellant has already undergone some time in custody. He has undergone the ordeal of trial for nearly 12 years. He submits that the accused has been on bail since 9.2.1995 and that there has been no complaint about his having belied the trust bestowed upon him by this Court. He submits that the appellant is also not a previous convict and has by now assimilated in the mainstream of society as a useful citizen, thereforee, no useful purpose would be served in requiring him to undergo the remaining portion of his sentence at this belated stage. Learned Counsel for the State has no objection if the sentence of the appellant is reduced to that already undergone.

4. Having heard learned Counsel for the parties and having perused the material on record, I am of the opinion that the order of conviction cannot be faulted with but sentence can be reduced. In this view of the matter, while upholding the order of conviction, I reduce the sentence to that already undergone.

5. Crl. A. 33/1995 is disposed of.

6. The appellant is on bail. His bail bond and sureties shall stand discharged.

7. Appeal disposed of.

