

Subhash Chand Vs. State

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SooperKanoon Citation : sooperkanoon.com/707893

Court : Delhi

Decided On : Jul-23-2001

Reported in : 93(2001)DLT404; 2001(60)DRJ503

Judge : R.S. Sodhi, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 326, 379 and 511

Appeal No. : Crl. Appeal No. 13 of 1995

Appellant : Subhash Chand

Respondent : State

Advocate for Def. : Santosh Kohli, Adv.

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

Judgement :

R.S.Sodhi, J.

1. Criminal Appeal No.13/1995 is directed against the Judgment and Order of the learned Additional Sessions Judge in SC No.82/1992 whereby the learned Additional Sessions Judge vide his Judgment and Order dated 24.8.1994 held the appellant guilty under Sections 326/379/511, IPC and further vide Order dated 25.8.1994 sentenced the appellant to undergo RI for four years and to pay a fine

of Rs. 1,000/- and in default of payment of fine to undergo further rigorous imprisonment for six months. For offence under Section 379/511, IPC he was awarded sentence of six months with fine of Rs. 500/- and in default of payment of fine to undergo further rigorous imprisonment for three months.

2. The case when called out today, nobody appeared for the appellant in support of the appeal, inspire of warning begin 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 asset 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 this is an occurrence of 3.3.1992 and the appellant has undergone incarceration for over three years. he submits that the accused has been on bail since 28.3.1995 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.

Crl.A.13/1995 is disposed of.

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

5. Appeal disposed of.

