

Subrata Roy Vs. State

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Court : Delhi

Decided On : Jul-23-2001

Reported in : 93(2001)DLT149

Judge : R.S. Sodhi, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 376

Appeal No. : Crl. Appeal No. 436 of 1997

Appellant : Subrata Roy

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 21.5.1997 of the learned Additional sessions Judge in Sessions Case No. 60/96 whereby the learned Additional Sessions Judge held the appellant guilty under Section 376, IPC and further by his order dated 23.5.1997 sentenced the appellant-accused to undergo R.I. for ten years with a fine of Rs. 1,0001/- and in default of payment of

fine to further undergo S.I. for three months.

2. The case when called out today, nobody appeared for the appellant in support of the appeal, in spite of warning being indicated in the cause list. Since this is a case of 1994 it can brook no further delay. Mr. R.P. Luthra is present on behalf of the Legal Aid. I, therefore, appoint him as amicus Curiae to assist me in this case.

3. With the assistance of learned amicus Curiae and learned Counsel for the State, I have gone through the record of the case. Learned amicus Curiae on the basis of the record fairly concedes that he cannot fault the judgment of conviction. He, however, confines his arguments only to the question of sentence. From the nominal roll it is clear that the appellant has suffered the ordeal of trial for seven years and has undergone the sentence for six years and three months while earning remission of one year and ten months. His conduct during the trial has been satisfactory. therefore, 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.

(SIC) A. 436/97 is disposed of.

The appellant who is in jail shall be set at liberty forthwith.

5. Appeal disposed of.