

Uttam Pandey Vs. State

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SooperKanoon Citation : sooperkanoon.com/707913

Court : Delhi

Decided On : Jul-20-2001

Reported in : 93(2001)DLT393

Judge : R.S. Sodhi, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 304

Appeal No. : Crl. Appeal No. 235 of 1994

Appellant : Uttam Pandey

Respondent : State

Advocate for Def. : Santosh Kohli, Adv.

Advocate for Pet/Ap. : Rajesh Mahajan, Adv

Judgement :

R.S. Sodhi, J.

1. Criminal Appeal No. 235/1994 is directed against the Judgment and Order of the learned Addition sessions Judge, Delhi in SC No. 22/1985 whereby the learned Judge vide his Judgment and Order dated 27.8.1994 held the appellant guilty under Section 304 Part-I, IPC and further by his Order dated 30.8.1994 sentence the appellant to undergo rigorous imprisonment for seven years.

2. At the outset, learned Counsel for the appellant does not challenge the Order of conviction. However, on the question of sentence, he submits that in this case the incident took place on 30.3.1984 and that the appellant has already undergone the ordeal of trial for 17 years and has also undergone sentence of over one and half years. He submits that the appellant was admitted to bail on 27.2.1996. He submits that the appellant has not in any manner misused the bail. He has on the contrary shown exemplary behavior and has assimilated in the society as useful citizen. No useful purpose will be served in requiring the appellant to undergo the remaining portion of sentence at this belated stage.

3. Learned Counsel for the State support the submission of the learned Counsel for the appellant and submits that no useful purpose will be served in requiring the appellant to undergo the remaining portion of sentence after facing the ordeal of trial for over 17 years.

4. Having considered the statement of the leaned Counsel, I uphold the Order of conviction but modify the Order of sentence to that already undergone.

5. With this, Criminal Appeal No. 235/1994 stands disposed of.

6. Bail bond and the surety stand discharged.

7. Record of the Trial Court be sent back forthwith.

8. Appeal disposed of.