

Krishan Pal and anr. Vs. State

Krishan Pal and anr. Vs. State

SooperKanoon Citation : sooperkanoon.com/709536

Court : Delhi

Decided On : Apr-03-2002

Reported in : 2002(63)DRJ481

Judge : R.S. Sodhi, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 366 and 376

Appeal No. : Criminal Appeal No. 336 of 1998 and 100 of 1999

Appellant : Krishan Pal and anr.

Respondent : State

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

Advocate for Pet/Ap. : K.B. Andley, Sr. Adv. and; M.L. Yadav, Adv

Judgement :

R.S. Sodhi, J.

1. These Criminal Appeals are directed against the judgment and order dated 13.8.1998 of the learned Additional Sessions Judge in Sessions Case No. 84/96 whereby the learned Additional Sessions Judge held the appellant Krishan Pal guilty under Section 366 and 376 IPC and appellant Som Pal guilty under Section 366 and vide a separate order dated 17.8.1998 sentenced the appellant Krishan

Pal to undergo R.I. for seven years with a fine of Rs. 2000/- under Section 376 IPG and in default of payment of fine to further undergo R.I. for eight months. He was also sentenced to undergo R.I. for four years with a fine of Rs. 1000/- under Section 366 IPC and in default of payment of fine to further undergo R.I. for four months. Appellant Som Pat sentenced to undergo R.I. for four years with a fine of Rs. 1000/- under Section 366 IPC and in default of payment of fine to further undergo R.I. for four months.

2. Learned counsel for the appellant at the outset states that he is not in a position to challenge the order of conviction. I, therefore, confirm the order of conviction.

3. However, on the question of sentence, it is argued by the learned counsel that the appellant Krishan Pal has suffered actual incarceration for more than one year and appellant Som Pal has suffered actual incarceration for eleven months and have been on bail since September 17, 1999 and July 06, 1999 respectively. He submits that the occurrence is of 15th May, 1994 and the appellants have already suffered the ordeal of trial for nearly eight years. He submits that there has been no complaint about their having belied the trust bestowed upon them by this Court.

4. He further submits that the appellants are also not previous convicts and have by now assimilated in the mainstream of society as useful citizens, therefore, no useful purpose would be served in requiring them to undergo the remaining portion of their sentence at this belated stage. Learned counsel for the State has no objection if the sentence of imprisonment of the appellants is reduced to that already undergone.

5. Having heard learned counsel for the parties and in view of what has been stated by learned counsel for the State, I am of the view that the ends of justice would be met if the sentence of imprisonment of the appellants is reduced to the period already undergone. I order accordingly. With this modification, Criminal Appeal Nos. 336/98 and 100/99 are disposed of.

6. The appellants are on bail. Their bail bonds and the sureties shall stand discharged. The trial court record be sent back forthwith.