

**Mohd. Ali Vs. State**

**Mohd. Ali Vs. State**

**SooperKanoon Citation :** [sooperkanoon.com/709701](http://sooperkanoon.com/709701)

**Court :** Delhi

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

**Reported in :** 2001(60)DRJ351

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

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

**Appeal No. :** Criminal Appeal No. 41 of 1995

**Appellant :** Mohd. Ali

**Respondent :** State

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

**Advocate for Pet/Ap. :** K.B. Andley, Sr. Adv. and; Roopesh Sharma, Adv

**Judgement :**

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

1. This criminal appeal is directed against the judgment and order dated 3.2.1995 of the learned Additional Sessions Judge in Sessions Case No. 192/1994 whereby the learned Additional Sessions Judge held the appellant guilty under Section 366 IPC and further by a separate Order of the same date sentenced the appellant-accused to undergo R.I. for five years with a fine of Rs. 1,000/- and in default of

payment of fine to further undergo R.I. for three months.

2. Learned counsel for the appellant, at the outset, does not challenge the Order of conviction but confines his arguments to the question of sentence only. He submits that the sentence undergone would suffice for the reasons that the case relates to 29.10.1988 and the appellant has already undergone some time in custody. He has undergone the ordeal of trial for nearly 13 years. He submits that the accused has been on bail since 21.2.1995 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, 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.

3. 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.

4. CrI.A.41/1995 is disposed of.

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

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**