

**iqbal Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/709723](http://sooperkanoon.com/709723)

**Court :** Delhi

**Decided On :** Jul-24-2001

**Reported in :** 2001(60)DRJ451

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

**Acts :** [Indian Penal Code \(IPC\), 1860](#) - Sections 354

**Appeal No. :** Criminal Appeal No. 185 of 1992

**Appellant :** iqbal

**Respondent :** State

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

**Advocate for Pet/Ap. :** Rajiv Awasthi, Adv

**Judgement :**

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

1. This criminal appeal is directed against the judgment and order dated 26.8.1992 of the learned Additional Sessions Judge in Sessions Case No. 159/88 whereby the learned Additional Sessions Judge held the appellant guilty under Section 354 IPC and further by his order dated 31.8.1992 sentenced the appellant-accused to undergo R.I. for two years with a fine of Rs. 5,000/- and in default of payment of

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

2. The 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 4.7.1987 and the appellant has already undergone some time in custody. He has undergone the ordeal of trial for nearly 14 years. He submits that the appellant is 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. Crl.A.185 of 1992 is disposed of.

5. The appellant be set at liberty forthwith, if not wanted in any other case.

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