

Virender Kumar Vs. State

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Court : Delhi

Decided On : Jul-20-2001

Reported in : 2001(60)DRJ452

Judge : R.S. Sodhi, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 325

Appeal No. : Criminal Appeal No. 135 of 1993

Appellant : Virender Kumar

Respondent : State

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

Advocate for Pet/Ap. : Javed Hashmi, Adv

Judgement :

R. S. Sodhi, J.

1. This criminal appeal is directed against the judgment and order dated 28.8.1993 of the learned Additional Sessions Judge in Sessions Case No. 36/92 whereby the learned Additional Sessions Judge held the appellant guilty under Section 325 1PC and further by his separate order dated 28.8.1993 sentenced the appellant-accused to undergo R.I. for five years with a fine of Rs. 3000/- and in default of

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

2. Learned counsel for the appellant at the first instance, fairly concedes that he is not in a position to challenge the order of conviction but has confined his arguments to the question of sentence only. He submits that the sentence undergone would suffice for the reasons that the case relates to 1992 and the appellant has undergone incarceration for-four years and two months actual. He submits that the accused has been on bail since February, 1996 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.135/93 is disposed of.

5. The non-bailable warrants issued against the appellant stand cancelled.

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

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