

Nirbhay Kant Jha Vs. State

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Court : Delhi

Decided On : Jul-25-2001

Reported in : 2001(60)DRJ453

Judge : R.S. Sodhi, J.

Acts : [Arms Act, 1959](#) - Sections 25, 27, 54 and 59

Appeal No. : Criminal Appeal No. 208 of 1995

Appellant : Nirbhay Kant Jha

Respondent : State

Advocate for Def. : V.K. Malik, 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 29.10.1995 of the learned Additional Sessions Judge in case FIR No. 177/86, Under Section 25/27 Arms Act, P.S. Farash Bazar whereby the learned Additional Sessions Judge held the appellant guilty under Section 25/54/59 Arms Act and further by his separate order dated 30.10.1995 sentenced the appellant-accused

to undergo R.I. for one year with a fine of Rs. 200/- and in default of payment of fine to further undergo RI for 15 days.

2. Learned counsel at the outset does not 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 incident is of 5.5.1986 and the appellant has suffered the ordeal of trial for about 15 years and has already undergone a fair amount of incarceration. He submits that the accused has been on bail since 12.12.1995 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. With this modification, Criminal Appeal No. 208/95 is disposed of.

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

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