

**Raju Vs. State**

**Raju Vs. State**

**SooperKanoon Citation :** [sooperkanoon.com/709796](http://sooperkanoon.com/709796)

**Court :** Delhi

**Decided On :** Jul-20-2001

**Reported in :** 2002(61)DRJ696

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

**Acts :** [Arms Act, 1959](#) - Sections 27

**Appeal No. :** Criminal Appeal No. 204 of 1994

**Appellant :** Raju

**Respondent :** State

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

**Advocate for Pet/Ap. :** R.P. Luthra, amices Curia

**Judgement :**

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

1. This criminal appeal is directed against the judgment and order dated 25.7.1994 of the learned Additional Sessions Judge in Sessions Case No. 47/92 whereby the learned Additional Sessions Judge held the appellant guilty under Section 27 of the [Arms Act, 1959](#) and further by his order dated 26.7.1994 sentenced the appellant-accused to undergo R.I. for six months with a fine of Rs. 500/- and in

default of payment of fine to further undergo S.I. for three months.

2. The brief facts of the case as noted by the Additional Sessions Judge are as follows:-

On 6-10-91 an information was received vide DD No. 12-A at P.S. Jahangir Puri regarding the admission of injured Naresh in the Hindu Rao Hospital. Accordingly Kanti Parshad, was handed over the copy of DD. Report. ASI Kanti Parshad went to the hospital and collected the M.L.C. of Naresh who was declared unfit for making statement by the doctor. Thereafter ASI Kanti Parshad reached the place of incident where Mukesh an alleged eye witness met him. He gave his statement to the ASI stating that he is employed with Jyoti Studio, Main Market, Jahangir Puri. On the day of incident (6-10-91), he Along with Naresh had gone to K-Block. At about 5.00 P.M. when they reached near a Pipal tree, I.T.I., K-Block, two boys Raju and Sanjeev came from the opposite side. Both of them pounced upon Mukesh by saying 'TO SALE BADA BADMASH BANTA HAI' They hurled abuses. At this Naresh tried to pursued them. Thereafter Raju caught hold of Naresh by his collar and took out a knife from the shirt. Sanjeev caught hold of Naresh in his grip and accused Raju then gave knife blows, two-three times on the person of Naresh at his chest, abdomen etc. After inflicting injuries, both Raju and Sanjeev ran away. Naresh who received knife injury also ran away. On the above statement, the I.O. gave his endorsement on the basis of which a case under Section 307/34 IPC was registered. After completion of the investigation the accused persons were sent up -for trial by the Court.'

3. The case when called out today, nobody appeared for the appellant in support of the appeal, inspire of warning being indicated in the cause list. Since this is . a case of 1994 it can brook no further delay. Mr. R.P. Luthra is present on behalf of the Legal Aid. I thereforee, appoint him as amices Curiae to assist me in this case.

4. With the assistance of learned amices Curiae and learned counsel for the State, I have gone through the record of the case. Learned amices on the basis of the record submits that he is not in a position to challenge the judgment under challenge but has confined his arguments to the question of sentence only.

5. He submits that the sentence undergone would suffice for the reasons that this is an incident of 6.10.1991 and the appellant has undergone incarceration for a substantive period of time. He submits that the accused has been on bail since 22.9.1994 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.

6. 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.

Crl.A.204/1994 is disposed of.

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)**