

**IN THE COURT OF SHRI RAKESH KUMAR:ADDL. SESSIONS
JUDGE-II-CUM-SPECIAL JUDGE (NDPS) (NORTH-WEST):
ROHINI COURTS: DELHI**

**Sessions Case No. 52350/06
CNR No. DLNW01-000077-2006**

State

Vs

**Dev Kumar
S/o Sh. Chander Bhan Singh
R/o. H.No. B-3/470,
Sultan Puri Delhi**

**FIR No. : 593/06
Police Station : Mangol Puri
Under Section : 302/364 IPC & 25/54/59 Arms Act**

ORDER ON SENTENCE

20.05.2020

File taken up today for hearing through Video Conferencing and whatsapp call in view of directions of High Power Committee (HPC) of Hon'ble High Court of Delhi and per the request of parties, the hearing of the present file could not be taken up due to the suspension of the Court as per the directions of Hon'ble Supreme Court of India in suo-moto Petition (Civil) No. 1/2020 as well as Hon'ble High Court of Delhi vide its order dated 23.03.2020, 13.04.2020 and 18.05.2020 and only matter of urgent nature has been ordered to be heard for re-contagion of the prisoners (UTPs)/accused persons due to COVID-19 Pandemic and case was being adjourned (enblock) for order on sentence on 01.04.2020 and again for 20.05.2020 by the Ld. District & Session Judge.

Present:- Sh. Virender Kharta, Ld. . Addl. PP for the State.
Convict Dev Kumar produced from JC through video conferencing.

Vide judgment dated 12.03.2020, the accused Dev Kumar was convicted for the offence punishable under Section 302/364 IPC and 25/54/59 Arms Act.

I have heard both the sides on the point of sentence with regard to convict Dev Kumar.

Ld. Addl. PP for the State has argued through whatsapp call, made from the mobile number i.e. 9868354670 of Sh. Naresh Kumar, Ahlmad of the Court, that since the convict has been convicted for the offence, which is serious in nature, he does not deserve any leniency and he should be imposed the maximum punishment.

The convict stated that he is aged about 47 years. His family consists of his wife and two sons and he is the sole bread earner of his family and his parents have also expired. It is further stated that he belongs to a poor strata of the society with further request to award the sentence only for the period which has already been spent in JC. On being enquired, it is revealed that convict has spent 08 years in custody and in view of the same, liberal view is required to be taken, so that he has a chance to improve in future.

On the question of sentencing, it will be useful to refer to an authority of Hon'ble Supreme Court of India reported in State of *Uttar Pradesh Vs. Sanjay Kumar (2012) 8 SCC 537*, in which the sentencing policy has been explained in paragraph 21, which reads as under :

“21. Sentencing Policy is a way to guide judicial

discretion in accomplishing particular sentencing. Generally, two criteria, that is, the seriousness of the crime and the criminal history of the accused, are used to prescribe punishment. By introducing more uniformity and consistency into the sentencing process, the objective of the policy, is to make it easier to predict sentencing outcomes. Sentencing policies are needed to address concerns in relation to unfettered judicial discretion and lack of uniform and equal treatment of similarly situated convicts. The principle of proportionality, as followed in various judgments of this Court, prescribed that, the punishments should reflect the gravity of the offence and also the criminal background of the convict. Thus the graver the offence and the longer the criminal record, the more severe is the punishment to be awarded. By laying emphasis on individualised justice, and shaping the result of the crime to the circumstances of the offender and the needs of the victim and community, restorative justice eschews uniformity of sentencing. Undue sympathy to impose inadequate sentence would do more harm to the public system to undermine the public confidence in the efficacy of law and

society could not long endure under serious threats.”

Considering the seriousness and gravity of the offence that the convict Dev Kumar abducted his relative Krishan and committed his murder, he does not deserve any undue leniency.

After considering the facts and circumstances, the convict is sentenced as under :

<i>Name</i>	<i>For offence under section</i>	<i>Sentence</i>
Dev Kumar	Section 302 IPC	Life imprisonment and fine of Rs. 5,000/- in default of payment of fine he shall further undergo for three months.
	Section 364 IPC	Life imprisonment and fine of Rs. 5,000/- in default of payment of fine he shall further undergo for three months.
	Section 25/54/59 Arms Act	Three years and fine of Rs. 1000/- in default of payment of fine he shall further undergo for one month.

Further, in view of the submission made by the convict, in the interest of justice benefit of section 428 Cr.P.C. is given to the convict and the period of custody already undergone by him shall be set of against the substantive period of sentence awarded to him today. All the sentences shall run concurrently.

Case property, if any, is confiscated to the State and the same may be disposed of after the expiry of the period of the appeal/revision.

Copy of the judgment and the sentence be given to the convict free of cost.

Copy of the order be sent to the concerned Jail Superintendent for compliance.

File be consigned to Record Room.

1.

**Announced in the open court
on this 20th day of May, 2020**

**(Rakesh Kumar-IV)
ASJ-02-cum-Special Judge,
(NDPS), North West
Rohini:Delhi/20.05.2020**

**IN THE COURT OF SHRI RAKESH KUMAR:ADDL.
SESSIONS JUDGE-II-CUM-SPECIAL JUDGE (NDPS)
(NORTH-WEST): ROHINI COURTS: DELHI**

**Sessions Case No. 53687/2016
CNR No. DLNW01-009624-2016**

State

Vs

Poonam

S/o Sh. Parveen Mathur

R/o E-18/41, Sector-8,

Rohini, Delhi

Also at:

F-33, 1st Floor, Police Colony

Model Town-II, Delhi.

**CC No. : 18/1
Police Station : South Rohini
Under Section : 191/192/193/195 IPC**

ORDER ON SENTENCE

20.05.2020

File taken up today for hearing through whatsapp video calling and whatsapp call in view of directions of High Power Committee (HPC) of Hon'ble High Court of Delhi and as per the request of parties, the hearing of the present case/file could not be taken up due to the suspension of the Court as per the directions of Hon'ble Supreme Court of India in suo-moto Petition (Civil) No. 1/2020 as well as Hon'ble High Court of Delhi vide its order dated 23.03.2020, 13.04.2020 and 18.05.2020 and only matter of urgent nature

has been ordered to be heard for re-contagion of the prisoners (UTPs)/accused persons due to COVID-19 Pandemic, and case was being adjourned (enblock) for order on sentence on 01.04.2020 and again for 20.05.2020 by the Ld. District & Session Judge (Adhoc).

Present:- Sh. Virender Kharta, Ld. Addl. PP for the State.

Convict Poonam in person.

Vide judgment dated 06.03.2020, the accused Poonam was convicted for the offence punishable under Section 193 IPC.

I have heard both the sides on the point of sentence with regard to convict Poonam.

Ld. Addl. PP for the State has argued that since the convict who is a Government Servant in Delhi Police has been convicted for the offence, which is serious in nature, she does not deserve any leniency and she should be imposed the maximum punishment.

The convict stated that the convict is aged about 29 years and she is the sole bread earner of her family. It is further stated that she belongs to a poor strata of the society and in view of the same, liberal view is required to be taken, so that she has a chance to improve in future with request to be given the benefit of Probation of Offender Act 1958

In the present matter, the accused was convicted u/s. 193 IPC vide judgment dated 06.03.2020 and the accused has

prayed for benefit of Probation of Offender Act 1958. Accordingly, report of probation officer has already been called which is in favour of the convict Poonam.

As per report, there is no previous conviction of present convict and she is a lady aged about 29 years and belong to poor strata of society. She reflected non-toxicant habits and normal social behaviour, reflected normal stimulus response, behaviour and normal spa of tolerance. Her mental condition appeared to be normal and neighbours have reported in favour of the accused/convict.

In the facts of the case, considering the antecedents of the convict, her character and the present circumstances, I do not find any grounds to deny the convict the benefit of Probation of Offender Act 1958. Hence, the sentence is deferred and the convict is ordered to be released on Probation for a period of **three years** and she is directed to furnish bonds in the sum of Rs. 10,000/- alongwith one surety in the like amount to keep peace and good behavior in accordance with the Probation of Offender Act 1958 during the said period and it is directed that if she is found involved in another matter of the similar nature during this period she will appear before the court to receive the sentence.

However, in the facts of the case where the complainant is the State has incurred expenses for the present litigation, as such

the convict is directed to deposit compensation i.e. a sum of Rs. 10,000/- with the State towards the litigation cost.

In view of the present COVID-19, bail bond not furnished. Convict is directed to furnish bail bonds within four weeks and deposit the compensation amount of Rs. 10,000/- within two months.

Copy of the judgment and the sentence be given to the convict free of cost.

Copy of the order be sent to the concerned SHO for compliance.

File be consigned to Record Room.

Announced in the open court

on this 20th day of May, 2020.

**(Rakesh Kumar-IV)
ASJ-02-cum-Special Judge,
(NDPS), North West
Rohini:Delhi/20.05.2020**

