

Din Dayal

Vs

State of Delhi (Admn.) (Union Territory of Delhi)

Criminal Appeal No. 468 of 1978

(P.B. Sawant, K. Ramaswamy JJ)

10.08.1990

JUDGMENT

1. The appellant along with four others was arrested for the offence under S. 392 of the Indian Penal Code for having robbed a person of his wrist-watch under the threat of a khukhri. The Trial Court convicted three of the accused including the appellant for the said offence, and sentenced all the three to rigorous imprisonment for two and a half years. Against the said decision, two of the accused including the appellant appealed to the High Court and their appeals were dismissed. Against the said order of the High Court, only the appellant has preferred this appeal.

2. Counsel for the appellant states that the appellant at the time of the offence on October 19, 1976 was 20 years old although the record shows that he was 22 years old then. According to the counsel for the appellant, he was also studying in Standard 11 of Government Boys Higher Secondary School, Lajpat Nagar, New Delhi. It appears that he had fallen in bad company. The record further shows that the appellant was in jail for about eight months. We feel that the incident is of October, 1976, and it would not be proper to send the appellant to jail now to serve the balance of his sentence. Without disturbing the order of conviction we, therefore, modify the sentence of the appellant to one already undergone.

3. The appeal is partly allowed accordingly. The bail bond is discharged.

Appeal partly allowed.

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