

Kailash Wati Vs State

Court: Delhi High Court

Date of Decision: July 20, 2001

Acts Referred: Penal Code, 1860 (IPC) " Section 306, 498A

Citation: (2001) 93 DLT 163 : (2001) 2 DMC 423 : (2001) 60 DRJ 96

Hon'ble Judges: R.S. Sodhi, J

Bench: Single Bench

Advocate: Satish Kumar, for the Appellant; Santosh Kohli, for the Respondent

Judgement

R.S. Sodhi, J.

Criminal Appeal No. 143/1993 is directed against the judgment and order of the learned Additional sessions Judge in SC

No. 111/1998 whereby the learned Judge by his judgment and order dated 23.8.1993 has convicted the appellant under Sections 498-A/306,

IPC and further by order dated 24.8.1993 sentenced the appellant to undergo rigorous imprisonment for two years with fine of Rs.,500/- u/s 498-

A, IPC and in default of payment of fine to undergo further simple imprisonment for two month; u/s 306, IPC the appellant was sentenced to

undergo rigorous imprisonment for five years and to pay a fine of Rs. 1,000/- and in default of payment of fine to undergo further simple

imprisonment for four months.

2. Leaned Counsel for the appellant, at the outset, does not challenge the judgment of conviction. However, on the question of sentence, he

submits that the appellant is 80 years old and is unable to take on any further incarcerations and that since she has been on bail by the order dated

3.11.1993, she has been very sick and confined to bed. He submits that no useful purpose will be served in requiring the appellant to undergo

remaining portion of sentence at this stage of life and falling health.

3. Learned Counsel for the State submits that in the facts and circumstance os this case, it would be a fit case where sentence can be reduced to

that already undergone.

4. Having heard learned Counsel for the parties and in the facts and circumstances of this case, while upholding the order of conviction, I modify

the order of sentence to that already undergone.

5. With this modification, Criminal Appeal No. 143/1993 stands disposed of.

Non-bailable warrants issued vide Order dated 10th May, 2001 to secure the presence of the appellant are recalled.
Bail bond and surety are

cancelled.

Record of the trial Court be returned forthwith.

6. Appeal disposed of.