

**In The Court Of  
Shri Arun Sukhija: Additional Sessions Judge-03:  
East District: Karkardooma Courts: Delhi.**

**Sessions Case No. : 577 of 2018**

<b>State</b>	<b>Versus</b>	<b>1. Sudhir Kumar</b> S/o Sh. Dasai Ram R/o B-45, Gali No.4, Gazipur Dairy Farm, Delhi. <u>Per. Add.</u> : Vill. Daudpur, PS Shahpur, District Patna, Bihar.
		<b>2. Munni Devi</b> W/o Sh. Pramod Kumar R/o H.No. B-1, Gali No.2, Gazipur Dairy Farm, Delhi. <u>Per. Add.</u> : Village Bhagraria, PS Gangahata, District - Sant Kabir Nagar, U.P.

FIR No.	: 456/2017
Under Section	: 302/34 and 201 IPC
Police Station	: Gazipur

**ORDER ON SENTENCE:**  
**29.11.2021**

1. Vide separate judgment dated 06.04.2021 passed by ld. predecessor of this court, above mentioned accused persons have been held guilty for the

offence punishable under Sec. 302/34 IPC and apart from that, both of them have also been held guilty individually for the offence punishable under Sec. 201 IPC.

2. I have heard arguments advanced by State; ld. counsels for the convicts. I have also heard convicts in person.

3. On behalf of convicts, it is submitted that both the convicts are first offender and they remained behind the bars in the present matter for long and during that period and even till date no adverse report has been received against either of them. It is also submitted that on account of pandemic and retirement of predecessor of the court, order on sentence could not be announced at the earliest and thus, prayed for lenient view in the matter, in view of the circumstances of the case. One of the contentions of the counsels is that both these accused persons have been acquitted under some of the offences.

4. Besides the above, on behalf of both these convicts, it is submitted that this case does not fall within the ambit of rarest of the rare case and hence, prayed for leniency.

5. Ld. Addl. PP for the State also conceded to the fact that this case does

not fall under the ambit of rarest of a rare case and submitted that Court may pass any appropriate order, as deemed fit.

6. At the juncture of awarding the sentence, Courts are expected to operate the sentencing system so as to impose such sentence which reflects the conscience of the society and the sentencing process has to be stern where it should be. Proportion between crime and punishment is a goal respected in principle, and in spite of errant notions, it remains a strong influence in the determination of sentences. While awarding the sentence, court has to consider three elements for appropriate measure of punishment out of them one is the motive for the commission of the offence; while another is the magnitude of the offence; and third one is the character of the offender.

7. Ld. counsel for the convicts/accused persons argued that both these accused persons are from poor strata of the society and they are not able to pay the compensation in terms of the guidelines issued in judgment titled as *Karan Vs. State* decided by Hon'ble High Court of Delhi.

8. This Court has perused the affidavits of the convicts and State and also report from DLSA (East). As per the affidavit of the accused persons, neither of them have any movable/immovable property or bank accounts etc.

They are in jail since the day of their arrest and as such, both accused do not have any financial capacity to pay any compensation. The deceased was minor daughter of one of the accused/convict. As such, she one of the LR of the minor daughter, however, she is disqualified being convict for murder of said minor daughter. Therefore, considering the status of convicts, this court is of the considered view that minimum fine be imposed on them.

9. Admittedly, the facts & circumstances of the case do not make the case as being rarest of a rare case. As per the law, this court is of the view that ends of justice would be met, if following order is passed and as such, following order is hereby passed as:

(a) For the offence punishable under Sec. 302/34 IPC, convicts ***namely Sudhir Kumar and Munni Devi are hereby sentenced to Life Imprisonment (LI) each and fine of Rs.10,000/- each, in default of payment of fine, each convict shall further undergo SI for one month; and***

(b) further for the offence punishable under Sec. 201 IPC both these convicts ***individually are hereby sentenced to the period already undergone by each one of them in the present matter and also to pay fine of Rs.5,000/- each and in default of payment of fine, further***

*undergo SI for 15 days.*

*It is made clear that substantive sentences of imprisonment of both these offences shall run concurrently and sentence for default in payment of fine shall run one after the other.*

10. A copy of the judgment and order on sentence are given to the convicts, free of costs, forthwith.
11. Case property be confiscated to State, after period of appeal/revision, if any.
12. Convicts are also apprised of their legal rights to approach higher court and to take legal assistance at State expenses also.

File be consigned to RR.

**Announced in the open Court  
on 29<sup>th</sup> day of November, 2021**

**(Arun Sukhija)  
Additional Sessions Judge-03 (East):  
Karkardooma Courts: Delhi.**