

Disclaimer: This text of the judgment/order is made available merely for information to our subscribers. The text is yet to be processed, verified and authenticated on the basis of the certified copy. Hence the editors, publishers and/or printers shall not be liable for any action taken or omitted to be taken or advice rendered or accepted on the basis of this text.

IN THE HIGH COURT OF DELHI AT NEW DELHI

(R.S. Sodhi and P.K. Bhasin, JJ.)

State _____ Appellant(s)

v.

Sidhartha Vashisht @ Manu Sharma _____ Respondent(s).

Criminal Appeal No. 193 of 2006, decided on December 20, 2006

Through Ms. Mukta Gupta, Standing Counsel with Mr. Ashwini Vaish and Mr. Rajat Katyal, Advocates

Through Pt. R.K. Naseem with Mr. Manu Sharma, Advocates for Respondent No. 1 (Sidhartha Vashisht) Mr. K.N. Balagopal, Sr. Advocate with Mr. S.K. Sharma, Mr. G. K. Bharti, Advocates for Respondent No.2 (Vikas Yadav) Mr. I.U. Khan, Sr. Advocate with Mr. R.D. Rana, Mr. Vikas Arora, Mr. Aman Khan and Mr. Om Pal, Advocates for Respondent No. 3 (Amardeep Singh Gill)

R.S. SODHI, J (Oral): Vide our judgment dated 18th December, 2006 in CrI.A.193/2006, we had held respondents Sidhartha Vashisht @ Manu Sharma guilty for an offence under Section 302 IPC, Section 201/120-B IPC and under Section 27 of the Arms Act. We had also held respondents Amardeep Singh Gill and Vikas Yadav guilty for an offence under Section 201/120-B IPC. All three of them are present in court today in custody.

2. We have today heard the parties on the question of sentence. It is argued on behalf of Sidharth Vashisht @ Manu Sharma that this was a murder which was in the heat of passion. It was not premeditated nor committed in a brutal manner. It is also argued that the convict is not a habitual criminal or incorrigible and that it cannot be said that he cannot be reformed. Counsel submits that law does not envisage vengeance but cares for reformation. He

submits that the law would be satisfied if a sentence of imprisonment for life is inflicted upon this convict.

3. Counsel arguing on behalf of Respondent No.3, Amardeep Singh Gill, submits that Amardeep Singh Gill is a responsible officer in a multinational company serving as its General Manager. He submits that Respondent No.3 is 41 years of age and has clean antecedents. He has not been involved in any other offence and is a first offender and he is an educated man from a responsible family, married and has two school going children. He is also responsible for looking after his aged parents who are in advanced age. Counsel further submits that this court would be pleased to take into consideration the protracted trial that has caused grave anguish and mental torture and has burdened him with exceptional expenses, besides the fact that the convict has already spent 16 days in jail before he was granted bail during which time he has shown exemplary behaviour. He prays that he be dealt with under the provisions of Section 360 Cr.P.C. and/ or Section 4 of the Probation of Offenders Act, 1958. 3. Counsel appearing on behalf of Respondent No.2 Vikas Yadav contends that Vikas Yadav is a young man of 28 years of age. He has just stepped into the threshold of life and deserves to be dealt with in a manner so as to rehabilitate him in society. The crime committed by him was not intentional nor was of a nature that could amount to an offence of great magnitude. He also submits that he is a qualified Engineer and an MBA. Counsel goes on to submit that this highly qualified man's career should not be brought to an end by imposing sentence that would ruin him. He also submits that the convict has undergone more than 2 ? years of incarceration in this case. 4. Learned counsel for the State, on the other hand, Ms. Mukta Gupta, submits that the crime committed by Sidhartha Vashisht @ Manu Sharma deserves no leniency. She submits that his crime has shocked the society and his actions belie any possibility of his getting reformed. She also submits that this convict has left no stone unturned to bury the criminal justice in this country and should be dealt with in an exemplary manner.

5. She further contends that Amardeep Singh Gill as also Vikas Yadav knew the nature of crime and went out of the way to remove evidence and shield the guilty. In their case also, counsel submits, that there is no sign of remorse which should entitle them to a lenient sentence.

6. We have heard counsel for the parties and very carefully examined the case before us. We are of the view that though this case is one that has shocked the confidence of the society in the criminal delivery system yet it cannot be said that there is material to suggest probability that the convict Sidhartha Vashisht @ Manu Sharma would continue to commit acts of violence that would constitute a threat to the society. There is also nothing on record to suggest that there is no probability that the convict can be reformed or rehabilitated. The murder though intentional having been committed without premeditation we feel justice would be satisfied if we award the sentence of imprisonment for life to Sidhartha

Vashisht @ Manu Sharma. Consequently, we sentence Sidhartha Vashisht @ Manu Sharma for life imprisonment together with a fine of Rs.50,000/- to be paid to the family of the victim, if recovered, and in default of payment of fine he shall undergo further three years of imprisonment. We also sentence him to four years imprisonment and a fine of Rs.2,000/- and in default three months imprisonment for the offence under Section 27 Arms Act. We also sentence him to imprisonment for four years together with a fine of Rs.2,000/- and in default three months of imprisonment under Section 201/120-B IPC.

7. As regards Vikas Yadav and Amardeep Singh Gill, we feel ends of justice would be met if they are sentenced to four years of rigorous imprisonment each and a fine of Rs.2,000/- each and in default three months of imprisonment under Section 201/120-B IPC.

8. We have consciously considered the case of Amardeep Singh Gill under Section 360 Cr.P.C. but find that knowing that a grave offence had been committed he continued to commit an act by which he intended to shield the guilty and remove the evidence. So, we do not think it expedient that this convict should be released on probation of good conduct. This prayer is, thus, rejected.

9. Substantive sentences of imprisonment in respect of Sidhartha Vashisht @ Manu Sharma shall run concurrently and all the three convicts would be given benefit of Section 428 Cr.P.C. A copy of this order be given free of cost to all the three convicts.