

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: November 19, 2010

+ **CRIMINAL REV. PET. NO.484/2010**

NANHE SINGH

....PETITIONER

Through: Ms. Saahila Lamba, Advocate

Versus

STATE(GOVT OF NCT OF DELHI)

.....RESPONDENT

Through: Mr. R.N. Vats, APP

CORAM:

HON'BLE MR. JUSTICE AJIT BHARIHOKE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not ?
3. Whether the judgment should be reported in Digest ?

AJIT BHARIHOKE, J.(ORAL)

This revision petition is directed against the judgment dated 07.04.2010 of the learned Additional Sessions Judge dismissing Crl. Appeal No.16/2009 arising out of the impugned judgment and order on sentence of the learned M.M., whereby the learned Magistrate held the petitioner guilty of the offence punishable under Section 279 and 304A IPC and for the offence under Section 304A IPC sentenced him to undergo RI for the period of one year and also to pay a fine of ₹1000/- and further sentenced him to undergo FIR for the period of six months

and fine of ₹1000/- for the offence under Section 279 IPC. It was ordered by learned Magistrate that both the sentences of imprisonment shall run concurrently.

I have perused the record of the case including the testimony of witnesses and the judgment under challenge. Learned counsel for the petitioner, on instructions from the petitioner, submits that the petitioner admits his guilt and he has no grievance against his conviction under Section 279 and 304A IPC. However, on the point of sentence, it is submitted by learned counsel for the petitioner that he has already undergone major portion of his sentence and remaining unexpired portion of sentence, as per the nominal roll, is less than two months. Learned counsel contended that the occurrence is of the year 1999 and that the petitioner has already suffered the ordeal of a protracted trial for more than 10 years. He is the sole bread earner of his family which includes his aged parents, wife and children. Learned counsel further submits that petitioner is not a previous convict and no useful purpose shall be served in requiring him to undergo remaining portion of his sentence at this belated stage.

On perusal of the nominal roll of the petitioner, it transpires that he has already suffered incarceration for a period of 04 months and 02 days as on 08.08.2010. Therefore, as on date, the petitioner has suffered incarceration for a period of 07 months and 13 days. His conduct in Jail is reported to be satisfactory and there is no record of

previous conviction against him. Taking into account aforesaid factors and the fact that the petitioner now realises his mistake, I am of the view that ends of justice would be met if the sentence of imprisonment is reduced to that already undergone. I order accordingly.

With the above modification in the sentence, Crl. Rev. Petition NO.484/2010 is disposed of.

The petitioner is in judicial custody. I have been informed that he has already deposited the fine. Therefore, he shall be released forthwith if not wanted in any other case.

This order be communicated immediately to the Jail authorities.

(AJIT BHARIHOKE)
JUDGE

NOVEMBER 19, 2010
pst