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

+ CRL.REV.P. 37/2012

RAJ KUMAR @ LALA Petitioner
Through: Mr.Sheikh Israr Ahmed, Advocate.

versus

STATE NCT OF DELHI Respondent
Through: Mr.Navin Sharma, APP

+ CRL.REV.P. 66/2012

BHOLA @ SONU Petitioner
Through: Mr.Navin Sharma, APP

versus

STATE NCT OF DELHI Respondent
Through: Mr.Sheikh Israr Ahmed, Advocate

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

% **ORDER**
15.10.2012

1. By this common order, I shall dispose of both the revision petitions i.e. Crl. Rev.P. Nos.37/2012 and 66/2012 filed by Raj Kumar @ Lala and Bhola @ Sonu respectively under Section 397/401 read with Section 482 Cr.P.C. against the order dated 31.10.2011 passed by the learned ASJ in Crl.Appeal No.21/2011 and Crl.A.15/2011 whereby the appeals filed by the petitioners against the judgment dated 10.08.2011 and order on sentence

dated 17.08.2011 passed by the learned M.M were dismissed.

2. Vide the impugned judgment and order on sentence, the petitioners were convicted and sentenced to undergo R.I for a period of three years and fine of Rs.5,000/- and in default of payment of fine to further undergo S.I for a period of one month for the offence under Section 392/34. The petitioners challenged their conviction by filing an appeal which was also dismissed by the learned ASJ, and the judgment and order on sentence awarded by the learned MM was affirmed/upheld by the learned ASJ. Feeling aggrieved with the same, petitioners invoked the inherent jurisdiction of this Court by filing revision petitions in this Court.

3. On 04.10.2012, learned counsel for the petitioners submitted on instructions received from the petitioner that the petitioners are not challenging their conviction and they just pray for taking a lenient view on the point of sentence on parity with co-convict Pradeep, who was also charged for the same offence. It was further submitted by the counsel that the total amount involved in the offence was Rs.67,000/-, out of which Rs.30,000/- was recovered from the petitioners and they are ready and willing to compensate the complainant by paying Rs.15,000/- each i.e. a total sum of Rs.30,000/-.

4. In terms of the said direction, counsel for both the petitioners has brought today a pay order for a sum of Rs.30,000/- to be handed over to the complainant. Learned APP for the State on instructions from the I.O submits that due to illness the complainant is unable to come to collect the same. But since the pay order is in the name of the complainant, it is submitted that the same may be handed over to the I.O against receipt so that the same can be handed over by the I.O to the complainant.

5. Accordingly, pay order for Rs.30,000/- in favour of the complainant is handed over to the I.O today in Court. Learned APP submits that it shall be handed over by the I.O to the complainant.
6. Nominal rolls of the petitioners have been received, as per which as on 26.09.2012, the petitioner Raj Kumar @ Lala has undergone sentence of 1 year, 2 months and 9 days out of total sentence of 3 years awarded to them. The petitioner has also earned remission of 4 months and 01 day. Similarly, as on 25.09.2012 the petitioner Bhola @ Sonu has undergone the sentence of 1 year and 15 days out of total sentence of 3 years RI awarded to him. He has also earned remission of 3 months and 13 days.
8. Taking into consideration that co-accused Pradeep who was also convicted in this case by the learned Trial Court, but on his plea of guilt was sentenced to undergo R.I for a period of one year, while maintaining the conviction of the petitioners for the offence under Section 392/34, the substantive sentence awarded to the petitioners is reduced to the period already undergone by them in custody in this case. However, so far as sentence of fine is concerned, the same shall remain unchanged. Both the petitioners be released forthwith, if not wanted in any other case.
9. Both the revision petitions stand disposed of in the above terms. Trial Court record be sent back along with a copy of this order.
10. A copy of this order be sent to the concerned Jail Superintendent for necessary compliance.


PRATIBHA RANI, J

OCTOBER 15, 2012
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