

\$-18 to 21

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

DECIDED ON : 25th AUGUST, 2015

+ **CRL.REV.P. 84/2015**

BHAGAT SINGH Petitioner

Through : Mr.K.Singhal, Advocate.

versus

STATE NCT OF DELHIRespondent

Through : Mr.Amit Gupta, APP for State with
SI Sahij Pal, PS Paharganj
Mr.Suresh Sharma, Advocate for
the complainant along with
complainant in person.

+ **CRL.REV.P. 85/2015**

TARA CHAND Petitioner

Through : Mr.K.Singhal, Advocate.

versus

STATE NCT OF DELHIRespondent

Through : Mr.Sanjeev Sabharwal, APP for
State with SI Sahij Pal, PS Paharganj
Mr.Suresh Sharma, Advocate for the
complainant along with complainant
in person.

+

CRL.REV.P. 89/2015

KISHAN KUMAR

..... Petitioner

Through : Mr.K.Singhal, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through : Mr.Sanjeev Sabharwal, APP for
State with SI Sahij Pal,PS Paharganj
Mr.Suresh Sharma, Advocate for the
complainant along with complainant
in person.

AND

+

CRL.REV.P. 90/2015

RAVI KUMAR @ PAWAN

..... Petitioner

Through : Mr.K.Singhal, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through : Mr.Sanjeev Sabharwal, APP for
State with SI Sahij Pal,PS Paharganj
Mr.Suresh Sharma, Advocate for the
complainant along with complainant
in person.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.Garg, J. (Oral)

1. Present revision petitions have been preferred by the petitioners to impugn the legality and correctness of a judgment dated 22.01.2015 in CrI.A. 93/14 by which conviction recorded under Sections 325/341/34 IPC by an order dated 14.10.2014 of learned ACMM was upheld. The learned ACMM had sentenced the petitioners to undergo SI for two years with fine ₹10,000/- each under Section 325/34 IPC and SI for one month under Section 341/34 IPC. In appeal, the sentence order was modified and the petitioners were directed to undergo RI for six months with fine ₹25,000/- each under Section 325/34 IPC and SI for one week each under Section 341/34 IPC. Both the substantive sentences were to operate concurrently. The entire fine was ordered to be released to the complainant by way of compensation. Aggrieved by the orders, the petitioners have filed the instant revision petitions.

2. During the course of arguments, learned counsel for the petitioners, on instructions, stated that the petitioners had opted to accept findings of the Courts below on conviction. Prayer was, however, made to release the petitioners on probation.

3. Since, the petitioners have given up challenge to conviction, findings of the Courts below on conviction are affirmed.

4. I have heard the learned counsel for the parties. Admittedly the petitioners and the victim are closely related to each other and live in the same vicinity. ₹1,00,000/- as fine imposed by the Courts below has since been deposited by the petitioners. The petitioners further volunteered to pay reasonable compensation to the complainant. The complainant also expressed his willingness to grant probation to the petitioners and to award more compensation to him.

5. It is agreed that the amount ₹1,00,000/- deposited by the petitioners shall be released to the complainant and they will have no objection to it. It is further agreed that petitioners shall contribute ₹25,000/- each totaling ₹1,00,000/- to be paid to the complainant within a month and it shall be deposited in the Trial Court. The said amount of ₹1,00,000/- shall also be released to the complainant on notice. It is informed that the petitioners have remained in custody for about one month in this case. They are not involved in any other criminal case and are not previous convicts. Nature of injuries sustained by the victim was 'grievous' in nature. Considering all these circumstances, sentence order requires modification and it is a fit case to release the petitioners on probation.

6. Considering the facts and circumstances of the case, age of the petitioners, their antecedents, the circumstances in which the offence was committed and their offer to pay more compensation to the victim, it is expedient that the petitioners be released on probation of good conduct. Instead of sentencing them at once to any punishment, the petitioners are directed to be released on their entering into a bond in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the Trial Court, to appear and receive sentence when called upon during the period of two years and in the meantime, they shall keep peace and be of good behavior.

7. The petitioners shall deposit ₹1,00,000/- in all to be released to the complainant after notice in the Trial Court within a month. They will have no objection to the release of ₹1,00,000/- earlier deposited as fine payable to the victim as compensation.

8. The revision petitions stand disposed of in the above terms.

9. Trial Court record (if any) along with copy of the order be sent back immediately.

(S.P.GARG)
JUDGE

AUGUST 25, 2015 / tr