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

DECIDED ON : 3rd NOVEMBER, 2015

+ **CRL.REV. P. 98/2015 & CRL.M.A.No.14146/2015**

SONU SHARMA & ANR

..... Petitioners

Through Mr. Sameer Chandra & Mr. Sandeep
Tyagi, Advocates

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through Mr. Amit Ahlawat, APP.
SI Seeta Ram, P.S. Sarita Vihar.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.Garg, J. (Oral)

1. The present revision petition has been preferred by the petitioners to challenge the legality and correctness of a judgment dated 10th February, 2015 of learned District and Sessions Judge, South East, Saket Courts, New Delhi in Criminal Appeal no. 94/2014 by which order dated 6th September, 2014 of learned Metropolitan Magistrate convicting the petitioners under Sections 324/341/34 IPC was upheld. The petitioners were sentenced to undergo Simple Imprisonment for three months with fine of Rs.2,000/- each under Section 324 IPC; and Simple Imprisonment for 15 days each under Section 341 IPC. Both the sentences were directed to operate

concurrently.

2. Notice of the revision petition was issued to the complainant. It was informed that the complainant had since expired. The petitioners offered to pay reasonable compensation to the legal heirs of the complainant.

3. Vide order dated 13th May, 2015, the Investigating Officer was directed to verify if there legal heirs of the complainant were available and ask them to appear before this Court on the next date of hearing. On 18th September, 2015, Munesh, victim's wife appeared and offered to settle the dispute with the petitioners.

4. Criminal M.A. 14146/2015 was filed to compound the offence in view of the settlement dated 19th September, 2015. State was directed to verify if the matter was settled between the parties with their free consent. Status report is on record.

5. Today, victim's wife along with her three sons has appeared in the Court. They have been identified by the Investigating Officer. Learned APP states that they are the only legal heirs of the deceased complainant. Victim's sons have no objection if Rs.50,000/- as compensation is given to their mother, Munesh. On receipt of Rs.50,000/-, they have no objection to lenient view.

6. The petitioners have paid Rs.50,000/- in cash to Munesh, victim's wife today in the Court.

7. Learned counsel for the petitioners states that the petitioners have opted not to challenge findings on conviction. He, however, prayed to take lenient view and to modify the sentence order as Rs.50,000/- have been paid as compensation to the victim's legal

heirs. The petitioners have remained in custody for about 27 days. To this, learned APP has no objection.

8. Since the petitioners have given up challenge to the conviction, their conviction under Section 324/341/34 IPC recorded by the Courts below is confirmed.

9. Regarding the sentence, the petitioners have already remained in custody for about 27 days and fine imposed by the trial court since been deposited. They have paid Rs.50,000/- in cash to the victim's legal heirs and they have no objection to modify the sentence order. The petitioners are not previous convicts and are not involved in any other criminal cases. Their jail conduct is satisfactory.

10. Considering all these litigating circumstances, sentence order is modified and the period already spent by the petitioners in this case in custody shall be taken as their substantive sentence. They shall of course deposit the fine (if unpaid) in the trial court within two weeks and for default shall undergo the default sentence.

11. The revision petition stands disposed of in the above terms. Pending application(s) also stands disposed of.

12. Trial court record be sent back with copy of the order.

13. A copy of the order shall also be sent to the Jail Superintendent for information.

14. The petitioners shall be released forthwith if not required to be detained in any other case.

(S.P.GARG)
JUDGE

NOVEMBER 03, 2015/rs