

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

RESERVED ON : 26th MAY, 2015

DECIDED ON : 28th MAY, 2015

+ CRL.REV.P. 175/2015

AYAZ AHMED REHMANI Appellant

Through : Mr.Roopansh Purohit, Advocate.

VERSUS

STATE (GOVT. OF NCT OF DELHI) Respondent

Through : Ms.Kusum Dhalla, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J.

1. The petitioner – Ayaz Ahmed Rehmani was convicted under Section 379 IPC by a judgment dated 13.05.2014 of learned Metropolitan Magistrate in case FIR No. 393/13 PS Kotwali on the allegations that on 29.12.2013 at about 06.00 p.m. near ticket window, Red Fort area, he picked-pocket of complainant – Badri Prasad and deprived him of his purse containing cash and other articles. By an order dated 13.05.2014, he was sentenced to undergo RI for two years. The petitioner unsuccessfully challenged the judgment which was dismissed by an order dated

23.02.2015 in CrI.A.No.9/15. Being aggrieved, the instant revision petition has been preferred.

2. During the course of arguments, learned counsel for the petitioner fairly opted to give up challenge to the findings recorded on conviction under Section 379 IPC. He prayed to take lenient view to release the petitioner on probation as he has remained in custody for sufficient duration.

3. Since the petitioner has opted not to challenge the findings of the Courts below, conviction under Section 379 IPC is affirmed. Regarding sentence, I find no mitigating circumstances to take lenient view. The petitioner was caught red-handed at the spot and stolen article was recovered from his possession. He was found in possession of stupefying substance apparently meant for administering to the victims. The petitioner was also found in possession of unexplained foreign currency. He did not disclose as to how and in what manner the foreign currency came in his possession. Possibility of some foreigner to be another victim at the hands of the petitioner and possession of foreign currency to be the outcome of the said target cannot be ruled out. Status report reveals that the petitioner is involved in five criminal cases of similar nature at various Police Stations. Leaned counsel for the petitioner

fairly admitted that in one of such cases, the petitioner has been convicted and released for the period already undergone by him in custody. Under these circumstances, the petitioner, as a matter of right, cannot claim release on 'probation'. Perpetrators of such crimes are rarely apprehended and in number of cases they go scot free. Innocent persons / tourists are the victims in such cases. These offences are pre-planned and intentional. Considering the facts and circumstances of the case, the sentence awarded by the Trial Court cannot be considered unreasonable.

4. The revision petition lacks merit and is dismissed. Trial Court record be sent back forthwith with the copy of the order. A copy of the order be sent to the Superintendent Jail.

(S.P.GARG)
JUDGE

MAY 28, 2015 / *tr*