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

DECIDED ON : 18th NOVEMBER, 2015

+ **CRL.REV.P.207/2015**

MUNNI @ MUNIJA

..... Petitioner

Through : Mr.Neeraj Bhardwaj, Advocate.

versus

STATE

..... Respondent

Through : Mr.Amit Ahlawat, APP with SI
Vishvendra.

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

S.P.Garg, J. (Oral)

CRL.M.A.No.5047/2015

1. For the reasons mentioned in the application for condonation of delay in filing the revision petition, the delay is condoned.
2. The application stands disposed of.

CRL.REV.P.207/2015

1. The instant revision petition has been preferred by the petitioner – Munni @ Munija to impugn the legality and correctness of a judgment dated 03.02.2014 in Crl.A. 53/13 by which judgment dated

22.06.2013 and order on sentence dated 29.07.2013 passed by learned Metropolitan Magistrate in case FIR No. 170/05 under Sections 363/365/368/120B IPC at PS Seemapuri, were upheld. The revision petition is contested by the respondent.

2. Allegations against the petitioner along with her associate Satish Kumar were that on or before 03.04.2005, they hatched criminal conspiracy whereby Satish Kumar agreed to purchase the kidnapped baby for a sum of ₹5,000/- from the petitioner. The petitioner was assigned the job of kidnapping a child aged about one and a half year and was given advance of ₹1,000/- for that purpose. Pursuant to that conspiracy the petitioner kidnapped the baby from his parental house at 10.00 a.m. on 03.04.2005 and confined her in Satish Kumar's house at Bhatinda, Punjab. After completion of investigation, a charge-sheet was filed against both of them in the Court. The prosecution examined thirteen witnesses. In 313 Cr.P.C. statements the accused persons claimed innocence and denied their involvement in the crime. They examined DW-1 (Manoj Kumar) and DW-2 (Kala) in defence. The Trial resulted in their conviction. Being aggrieved and dissatisfied, the instant appeal has been preferred. It is unclear if co-convict Satish Kumar has challenged the conviction.

3. During the course of arguments, learned counsel for the petitioner, on instructions, stated that the petitioner has opted not to challenge the findings of the Trial Court on conviction. He, however, prayed to take lenient view as the petitioner has already undergone substantial period of substantive sentence awarded to her. To this, learned Addl. Public Prosecutor has no objection.

4. Since the petitioner has given up challenge to the findings recorded by the Trial Court, her conviction is affirmed. The petitioner was sentenced to undergo RI for three years under Section 120B IPC read with Sections 363/365/368 IPC and RI for three years under Sections 363/365 IPC read with Section 120B IPC. Both the sentences were to operate concurrently. Nominal Roll dated 06.11.2015 reveals that the petitioner has already undergone two years, five months and twenty-two days incarceration besides remission for three months and twenty-five days as on 06.11.2015. The unexpired portion on that day was two months and thirteen days only. It further reflects that the petitioner is not a previous convict and is not involved in any other criminal case. Her overall jail conduct is satisfactory. She is aged around 56 years. She is suffering from various ailments as reflected in the medical report attached with Nominal Roll.

5. Considering the facts and circumstances of the case, the Sentence Order is modified to the extent that the period already undergone by the petitioner in this case shall be taken as substantive sentence. She shall be released forthwith if not required to be detained in any other criminal case.

6. The revision petition stands disposed of in the above terms.

7. Trial Court record be sent back forthwith with the copy of the order.

(S.P.GARG)
JUDGE

NOVEMBER 18, 2015 / *tr*