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

DECIDED ON : 12th JANUARY, 2015

+ **CRL.REV.P. 744/2014 & CRL.M.B.11113/2014**

MAHESH & ANR.

..... Petitioners

Through : Mr.Jati Ram, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through : Mr.Navin K.Jha, APP.
SI Rajiv, PS Badarpur.

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

S.P.Garg, J. (Open Court)

1. The petitioners have instituted the instant revision petition to set aside order dated 21.11.2014 passed by learned District and Sessions Judge in CrI.A. 19/14 by which appeal preferred by the petitioners for conviction under Sections 341/323/34 IPC was dismissed.

2. The petitioners were convicted for the aforesaid offences by an order dated 13.12.2013 and were sentenced to undergo RI for four months under Section 323/34 IPC and SI for seven days under Sections

341/34 IPC. They were directed to pay fine ₹ 15,000/- each to be given as compensation to the complainant.

3. During the course of arguments, learned counsel for the petitioners, on instructions, stated that the petitioners do not intend to challenge the findings of the Courts below on conviction. He, however, prayed to modify the sentence order as the petitioners are not previous convicts and have remained in custody for sufficient duration. Leaned Addl. Public Prosecutor for the State has no objection if lenient view is taken.

4. Nominal roll dated 05.01.2015 reveals that the petitioners have already undergone one month and fifteen days incarceration besides earning remission for two days. They are not previous convicts and are not involved in any other criminal case. Their conduct in jail is satisfactory. The incident of quarrel had taken place all of a sudden without any prior planning. Injuries sustained by the victim were 'simple' in nature. The Trial Court has already awarded compensation of ₹ 15,000/- each to be paid by the petitioners.

5. Considering the facts and circumstances of the case, the sentence order is modified and the period already undergone by the petitioners in custody in this case is taken as their substantive sentence.

However, they shall pay ₹ 15,000/- each awarded as 'compensation' to the victim and failing to pay, they shall undergo default sentence of one month SI.

6. The revision petition stands disposed of in the above terms. Pending application also stands disposed of. Trial Court record be sent back immediately with the copy of the order. A copy of the order be sent to the Superintendent Jail for information.

7. Order 'dasti.'

(S.P.GARG)
JUDGE

JANUARY 12, 2015 / *tr*