

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

DECIDED ON : MARCH 13, 2015

+ CRL.REV.P. 755/2014

RAJBIR

..... Petitioner

Through : Mr.S.K.Sethi with Ms.Dolly Sharma,
Advocates.

versus

STATE

..... Respondent

Through : Ms.Kusum Dhalla, APP.
SI Vikas, PS Subhash Place.

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

S.P.GARG, J. (ORAL)

1. Present revision petition has been preferred by the petitioner to challenge the correctness and legality of a judgment dated 18.05.2011 of learned Metropolitan Magistrate by which he was held guilty and convicted under Section 279/304A IPC and sentenced to undergo SI for one year with fine ₹2,000/- under Section 304A IPC and fine of ₹1,000/- for the offence under Section 279 IPC. The petitioner unsuccessfully challenged the judgment in CA No.21/13 (old CA No.38/11).

2. During the course of arguments, the petitioner moved Crl.MA.No.1776/2015 for release on the period already undergone by him

in custody. Perusal of the file reveals that the substantive sentence of the petitioner was suspended by order dated 12.12.2014 on his furnishing personal bond in the sum of ₹15,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendant. Learned counsel for the petitioner has informed that the petitioner could not come out of jail due to non-furnishing of the required surety bond and continues to be in custody.

3. Nominal roll dated 20.01.2015 reveals that the petitioner had already undergone seven months and twenty one days incarceration besides remission for twenty nine days as on 20.01.2015. Apparently, the **petitioner** has served out the substantial period of substantive sentence awarded to him till date. Fine is stated to have been deposited. The petitioner is not involved in any other criminal case and is a first time offender. His overall conduct in jail is satisfactory.

4. Considering all these facts and circumstances of the case, confirming the findings of the Trial Court on conviction, the sentence order is modified and the period already undergone by the petitioner in this case shall be taken as substantive sentence awarded to him.

5. The revision petition stands disposed of in the above terms. Copy of this order be sent to the concerned Jail Superintendent for

information and necessary action. Trial court record (if any) be sent back along with a copy of this order. The petitioner shall be released forthwith if not required to be detained in any other case.

(S.P.GARG)
JUDGE

MARCH 13, 2015
sa