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

DECIDED ON : 8th JANUARY, 2016

+ **CRL.REV.P. 270/2015**

DALBIR SINGH

..... Petitioner

Through : Mr.S.B.Dandapani, Advocate.

versus

STATE (GNCT OF DELHI)

..... Respondent

Through : Mr.Izhar Ahmad, APP.
ASI Shyam Sunder.

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

S.P.Garg, J. (Oral)

1. Present revision petition has been filed by the petitioner to challenge the legality and propriety of a judgment dated 31.07.2014 of learned Addl. Sessions Judge in CrI.A. 08/2014 whereby judgment dated 18.02.2014 of learned Metropolitan Magistrate convicting him under Sections 279/304A IPC was upheld. The petitioner was sentenced to undergo RI for two years with fine ₹500/-.

2. 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 Courts below on conviction. He, however, prayed to release the petitioner for the period already undergone by him till date as he is not involved in any other criminal case and has served the sentence for sufficient duration. To this, learned Addl. Public Prosecutor has no objection.

3. The petitioner was convicted under Sections 279/304A IPC. Fine is stated to have been deposited in the Court. Nominal Roll dated 14.09.2015 reveals that he has already undergone one year, one month and eleven days incarceration besides remission for three months and one day as on 11.09.2015. The said period has since increased and the unexpired portion of the sentence is about three months. The petitioner is not involved in any other criminal case and is a first time offender. His antecedents are clean. His overall jail conduct is satisfactory. He is aged around 42 years. Considering the facts and circumstances of the case, while maintaining conviction, Sentence Order is modified to the extent that the period already undergone by him in this case till date shall be considered as substantive sentence. Other terms and conditions of the sentence order are left undisturbed.

4. Revision petition stands disposed of in the above terms. Trial Court record be sent back forthwith with the copy of the order. A copy of the order be sent to the Superintendent Jail for information.

(S.P.GARG)
JUDGE

JANUARY 08, 2016 / tr