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

+ **CRL.REV.P. 462/2016**

SHAMIN

..... Petitioner

Through : Mr. Arvind Kumar, Mr. Siddharth
Yadav and Mr. Ankit Aggarwal,
Advs.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through : Mr. Sudershan Joon, APP with SI
Shiv Prakash PS D B G Road.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.08.2016

Crl.M.A.10434/2016 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

CRL.REV.P. 462/2016 & Crl.M.B.1289/2016 (Suspension of Sentence)

Petitioner was convicted by the Trial Court under Sections 279/304-A IPC and sentenced to undergo Rigorous Imprisonment for 6 months with fine of ₹1,000/- under Section 279 IPC, in default SI for one month and Rigorous Imprisonment for one year with fine of ₹15,000/- and in default SI for three months under Section 304-A IPC. Petitioner preferred appeal before the Sessions Judge, which has been dismissed vide order dated 1st

June, 2016.

That is how petitioner is before this Court by way of present petition under Section 397 Cr.P.C.

Trial Court and Appellate Court have meticulously scrutinized the evidence on record and have arrived at a finding that on 26th April, 2002, petitioner, while driving the bus bearing no.DL 1PA 8159 in a rash and negligent manner, knocked down the deceased who was crossing the road near bus stand Prahlad Pur Market resulting fatal injuries to her, to which she succumbed at the spot. Statement of eye witness PW-1 Devender Kumar has been found to be trustworthy and reliable. PW-1 has deposed that he saw one lady crossing the road and the bus driven by the petitioner at a high speed knocking down the deceased. PW-1 has identified the petitioner in Court as the same person, who was driving the bus on the fateful day. There are concurrent findings of the two Courts below rendered after scrutinizing the evidence on record and I find the findings returned by the trial court and confirmed by the appellate court to be plausible and possible view. Even otherwise, during the course of hearing, learned counsel for the petitioner has given up the challenge to the conviction of petitioner on merits. He has only prayed for reduction of sentences of the

petitioner, on the ground that petitioner is aged about 52 years; he has faced agony of trial for about 14 years; he has five children besides his aged mother, who are dependent upon him. Petitioner has four daughters and one son aged about 17 years, who is in class 11th. It is submitted that petitioner is the sole bread earner of the family and the whole family is at the verge of starvation since petitioner is in jail for more than two and half months.

Keeping in mind the totality of the circumstances, the sentence of petitioner under Section 304-A IPC is reduced to six months, however, sentence under Section 279 IPC is maintained as it is. Fine has already been deposited. Both the sentences shall run concurrently.

Revision petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

AUGUST 19, 2016/dk