

\$~52

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 679/2016 & CrI.M.A.16277/2016 & CrI.M.B.1852/2016**
DAUD @ MAHMOOD Petitioner

Through : Mr. Krishan Kumar, Adv.
versus

STATE Respondent
Through : Mr. Mukesh Kumar, APP with SI
Praveen Kumar PS Mandawali.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **19.10.2016**

Petitioner was convicted by the trial court under Section 380 read with Section 511 IPC and Section 451 IPC. He was sentenced to undergo rigorous imprisonment of 11 months with fine of ₹3,000/- and in default of payment of fine to undergo simple imprisonment of 10 days under Section 380 read with Section 511 IPC; sentenced to undergo rigorous imprisonment of 6 months with fine of ₹2,000/- and in default of payment of fine to undergo simple imprisonment of 8 days.

Petitioner filed appeal before the Sessions Judge, which has been disposed of vide judgment dated 26th September, 2016, which is under challenge in this revision petition under Section 397 of code of criminal

procedure, 1973. Conviction of petitioner under Sections 451/380/511 IPC has been upheld. However, sentence under Section 380 read with Section 511 IPC has been reduced to 8 months. Sentences have been directed to run concurrently.

As per the prosecution, on 13th July, 2015 at about 4:30 am, petitioner entered in the house of complainant Mr. Vikas Kumar and attempted to take out his purse from the pant, which was hanging on the wall. Complainant raised alarm. At which, petitioner opened the door and tried to escape but was apprehended by the public. He was handed over to police. Statement of Mr. Vikas Kumar to the above effect was recorded, which lead to registration of the FIR.

Complainant Mr. Vikas Kumar has supported the prosecution story and his deposition has been believed by the trial court as well as appellate court. There are concurrent findings of fact, on appreciation of evidence, of the two courts, against the petitioner.

After arguing for some time, learned counsel for petitioner has given up the challenge to the conviction of petitioner, on merits. Learned counsel has prayed for reduction of sentence. It is contended that petitioner has already deposited fine. He is aged about 23 years. Petitioner's old and ailing

mother is dependent on him. Petitioner has already completed 7 months and 10 days including the remission period. Petitioner has reformed himself, inasmuch as, is getting married on 25th October, 2016. He be released on the period already undergone by him.

Keeping in mind the facts and circumstances, as detailed above, while upholding the conviction of petitioner under Sections 451 IPC and Section 380 read with Section 511 IPC, his sentences are reduced to the period already undergone by him. Petitioner is in jail. He be released from the jail, if not required in any other case.

Petition is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous. Copy of the order be sent to Superintendent Jail for compliance.

A.K. PATHAK, J.

OCTOBER 19, 2016/dk