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

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CRL.REV.P. 691/2015

AMRISH KUMAR

..... Petitioner

Through: Mr. Bir Singh and Mr. Dinesh,  
Advocates

versus

STATE

..... Respondent

Through: Mr. Izhar Ahmad, Additional Public  
Prosecutor for the State

**CORAM:**

**HON'BLE MR. JUSTICE P.S.TEJI**

**ORDER**

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**08.03.2016**

1. By this petition filed under Section 397/401 of Cr. P.C. read with Section 482 of Cr. P.C. , the petitioner seeks to challenge the order of conviction dated 15<sup>th</sup> December 2014 and order on sentence dated 22<sup>nd</sup> December 2014 passed by learned ACMM, Shahdara, Delhi, whereby the petitioner was sentenced to undergo one month rigorous imprisonment with fine of Rs.1,000/- for the offence punishable under Section 279 of IPC and was also sentenced to undergo rigorous imprisonment for a period of two years with fine of Rs.7,000/- for the offence punishable under Section 304A of IPC. The petitioner also seeks to challenge the orders dated 20<sup>th</sup> July 2015, passed by learned Additional Sessions Judge, Shahdara, Delhi, passed in Criminal Appeal No. 4/15 whereby the appeal filed by the

petitioner was dismissed. Though the appeal of the petitioner has been dismissed, but the sentence imposed upon the petitioner was reduced to the period of rigorous imprisonment for 18 months.

2. At the outset, the learned counsel for the petitioner restricts the arguments on sentence passed by learned Additional Sessions Judge. Since the petitioner does not press the judgement on conviction passed by learned Additional Sessions Judge, therefore the judgment passed by learned Additional Sessions Judge is upheld.

3. Mr. Izhar Ahmad, Additional Public Prosecutor appears on behalf of the State and submits that the order passed by learned Additional Sessions Judge in the appeal filed by the petitioner is well justified and does not call for any interference from this Court.

4. I have heard learned counsel for the parties and have also gone through the impugned judgments and orders on sentence. Nominal roll of the petitioner is also placed on record, which reveals that the petitioner has already remained behind bars for 8 months and 18 days.

5. After considering the submissions advanced by both the sides and upon perusal of the impugned order, evidence on record and the decisions cited, I find that there is no illegality or infirmity in the impugned conviction of petitioner-accused. However, on the quantum of sentence, this Court observes that petitioner is a sole bread-earner of his family having an old aged father and in the considered opinion of this Court, the petitioner has already faced agony of these proceedings for last about 8 years, and that he has already remained

behind the bars in this case for almost 8 months and 18 days. Therefore, this Court is of the opinion that ends of justice would be met if petitioner's substantive sentence is reduced to the period of one year.

6. In view of the aforesaid discussion, the present revision petition is partly allowed on the quantum of sentence to the extent indicated above. Trial Court be apprised of this order forthwith by sending copy of this order. A copy of this order be also sent to Jail Superintendent for information and necessary action.

7. This revision petition is disposed of in aforesaid terms.

**P.S.TEJI, J**

**MARCH 08, 2016**

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