

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

Date of Decision: 08 February, 2016

+ Crl. Rev. 686/2015

DINESH KUMAR SHARMA	 Petitioner
Through	Mr. Deepak Thukral, Advocate
versus	
STATE (NCT OF DELHI)	 Respondent
Through	Mr. Hirein Sharma, APP for the State. SI Pramod Kumar, Police Station Connaught Place, New Delhi.

+ Crl.A. 687/2015

+ CRL.REV.P. 687/2015	
DEEPAK	 Petitioner
Through	Mr. Deepak Thukral, Advocate
versus	
STATE (NCT OF DELHI)	 Respondent
Through	Mr. Hirein Sharma, APP for the State. SI Pramod Kumar, Police Station Connaught Place, New Delhi.

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CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

J U D G M E N T

: SUNITA GUPTA, J. (ORAL)

1. By this common judgment, I shall dispose of two Revision Petitions bearing Nos. 686/2015 & 687/2015 directed against the impugned judgment dated 03.08.2015 passed by the learned Additional Sessions Judge in Crl. Appeal Nos. 47/2015 and 48/2015 arising out of case FIR No. 209/2012 under Section 509/354/34 IPC, Police Station Connaught Place whereby both the revisionists were convicted under Section 354/509/34 IPC, however, their sentence was reduced from one year to six months each while maintaining the quantum of fine.

2. The prosecution case emanates from the fact that on 14.12.2012, at about 09:15 pm, in front of Nike Show Room, F-Block, Connaught Place, New Delhi, both the appellants made indecent gestures and used force against the complainant and her cousin in order to outrage their modesty. In order to substantiate its case, prosecution in all examined six witnesses. The case of both the revisionist was one of denial simplicitor and they did not prefer to lead any defence evidence.

3. After scrutinising the testimony of the prosecution witnesses, learned Metropolitan Magistrate convicted both the revisionist for offence under Section 354/509/34 IPC vide order

dated 07.04.2015 and sentenced them to undergo simple imprisonment for each of the offence for one year and fine of Rs.1,000/- in default to undergo simple imprisonment for 10 days.

4. Feeling aggrieved, the aforesaid appeals were preferred before the learned Special Judge but without any success so far as their conviction under Section 354/509/34 IPC is concerned, however, their sentence was reduced to six months each on both counts while maintaining quantum of fine.

5. During the course of arguments, learned counsel for the revisionists does not challenge the order of learned Additional Sessions Judge whereby the conviction of the revisionist was confirmed, however, it is submitted that the revisionists be released on the period already undergone.

6. Learned Additional Public Prosecutor for the State has no objection to the same. As per the nominal roll of revisionist Deepak, he has already undergone the entire sentence and has since been released from jail. As regards Dinesh Kumar Sharma is concerned, as per nominal roll dated 06.02.2016, he has undergone a period of four months and 22 days. Besides that he earned remission of 21 days thereby leaving a period of 17 days as unexpired portion of sentence. His overall conduct has been reported to be satisfactory. He is not reported to be involved in any other case. In view of the same, sentence of this revisionist is modified to the period already undergone. Fine has already been deposited in Court as such, he is directed to be released on the period already undergone, if not wanted in any other case.

7. Both the revision petitions stand disposed of.

8. Copy of the judgment be sent to Superintendent Jail for information and compliance.

(SUNITA GUPTA)
JUDGE

FEBRUARY 08, 2016

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