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

+ CRL.REV.P. 693/2015 & CrI.M.(B) 8050/2015

MANGESH Petitioner

Through Mr.Abhishek Sabharwal, Adv.

versus

THE STATE Respondent

Through Mr.Mukesh Kumar, APP for the State

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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21.01.2016

The present revision petition has been filed by the petitioner under Section 401 read with Section 397 and Section 482 Cr.P.C. for setting aside the judgment dated 08.07.2015 and order on sentence dated 17.07.2015, passed by the learned Additional Sessions Judge, Tis Hazari Courts, Delhi.

The allegations against the petitioner, as per record, are that on 07.10.2009 at about 09.30 p.m., he along with co-accused Sonu caught hold of the complainant Sarvesh Singh and snatched his two gold rings, one mobile phone, one purse and other documents. On the basis of complaint made by the complainant, the FIR No.253/2009,

Police Station Subzi Mandi was recorded. After completion of investigation, report under Section 173 Cr.P.C. was filed in the Court. The learned Metropolitan Magistrate vide judgment dated 16.01.2015 acquitted the petitioner Mangesh as well as Sonu for the offence under Section 392/394/411/34 IPC by giving them the benefit of doubt.

The State preferred an appeal bearing C.A. No.10/15 and the learned Additional Sessions Judge vide judgment dated 08.07.2015, convicted the petitioner Mangesh and another accused Sonu for the offence under Section 392/34 IPC. The petitioner has also been convicted for the offence under Section 411 IPC. Vide order on sentence dated 17.07.2015, the petitioner has been awarded three years rigorous imprisonment for the offence punishable under Section 392/34 IPC. For the offence punishable under Section 411 IPC, he has been awarded six months rigorous imprisonment. The petitioner has been sentenced to pay fine of Rs.3,000/- for the offence under Section 392/34 IPC and in default of payment of fine, to further undergo six months simple imprisonment. Both the sentences are to run concurrently.

I have heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

During the course of arguments, the counsel for the petitioner has confined his arguments only to the quantum of sentence.

Consequently, the judgment of conviction dated 08.07.2015 passed by the Trial Court is hereby upheld.

As per the nominal roll placed on record, apparently the petitioner has already undergone 2 years and 7 months.

In the facts and circumstances, the order on conviction is modified only to the extent that the imprisonment awarded to the petitioner under Section 392/34 IPC is reduced from 3 years to the period already undergone.

The present petition as well as application CrI.M.(B) 8050/2015 are disposed of accordingly.

P.S.TEJI, J

JANUARY 21, 2016
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