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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 727/2015, CrI.M.B. 8122/2015, CrI.M.A. 16528/2015
BRIJ KISHORE Petitioner

Through Mr.Sitab Ali Chaudhary, Adv.

versus

STATE Respondent
Through Mr.Kamal Kumar Ghai, APP.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

% **ORDER**
28.01.2016

The present revision petition has been filed by the petitioner under Section 397, 401 read with Section 482 Cr.P.C. for setting aside the judgment dated 24.07.2015 passed by the learned District & Sessions Judge, South, Saket Courts whereby the criminal appeal filed by the petitioner against the judgment of conviction dated 13.01.2014 and order on sentence dated 21.01.2014 passed by the learned Metropolitan Magistrate were upheld. Vide judgment dated 13.01.2014, the petitioner was convicted for offence under Section 279/304A IPC and vide order on sentence dated 21.01.2014 the petitioner was awarded simple imprisonment for a period of one year

for offence under Section 304A IPC and for a period of three months for offence under Section 279 IPC. He is also directed to pay fine of Rs.1,000/- for offence under Section 279 IPC and Rs.4,000/- for offence under Section 304A IPC, in default of which, he shall further undergo simple imprisonment for three months.

The allegations against the petitioner, as per record, are that on 18.04.2007, complainant Madhubal was sitting on the cot on the gate of her house and her minor son Suraj was playing just outside the gate in the street. At about 7.00 p.m., accused came in a car in fast speed and hit the son of the complainant who sustained severe injuries. The accused was apprehended at the spot. Injured was taken to the hospital where he succumbed to his injuries. On the statement of the complainant, FIR No.293/2007, under Sections 279/304A IPC, Police Station Ambedkar Nagar was registered. After completion of investigation, report under Section 173 Cr.P.C. was filed in the Court. The learned Metropolitan Magistrate vide judgment dated 13.01.2015 convicted the petitioner for the offence under Section 279/304A IPC and order on sentence was passed on 21.01.2014.

The petitioner preferred an appeal bearing C.A. No.23/2014

which was dismissed by the learned District & Sessions Judge vide judgment dated 24.07.2015.

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 13.01.2014 passed by the Trial Court is hereby upheld.

As per the nominal roll placed on record, apparently the petitioner has already remained incarcerated for 8 months and 23 days from 24.07.2015 to 12.10.2015.

In the facts and circumstances, the order on conviction is modified only to the extent that the imprisonment awarded to the petitioner under Section 304A IPC is reduced from one year to the period already undergone by the petitioner.

The present petition as well as application Crl.M.(B) 8122/2015 & Crl.M.A. 16528/2015 are disposed of accordingly.

P.S.TEJI, J

JANUARY 28, 2016
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