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

+ CRL.REV.P. 761/2015 & CrI.M.B. No.8218/2015

SANJAY ..... Petitioner  
Through Mr.Musood Hussain, Adv.

versus

THE STATE OF NCT DELHI ..... Respondent  
Through Mr.Amit Chadha, APP for the State  
with SI Amit Kumar, PS Keshav  
Puram.

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

**ORDER**  
% **05.02.2016**

The present petition has been filed under Section 397 read with Section 401 of Criminal Procedure Code, against the orders dated 20<sup>th</sup> June, 2014 & 28<sup>th</sup> June, 2014 passed by the learned Metropolitan Magistrate and the judgment dated 23<sup>rd</sup> October, 2015 passed by learned Additional Sessions Judge.

The facts giving rise to the present petition are within the narrow compass. On 24<sup>th</sup> November, 2002, the petitioner was arrested from Keshav Puram on the ground of violation of externment order dated 7<sup>th</sup> August, 2002 passed by the Additional D.C.P. for two

years. Thus, DD entry was registered under Section 53/116 of D.P. Act against the petitioner. On 15<sup>th</sup> July, 2003, chargesheet was filed and charge was also framed against the petitioner. Three police official witnesses were examined by the prosecution and statement of the petitioner and defence witness were also recorded. On 20<sup>th</sup> June, 2014, the petitioner was convicted and imposed a sentence of imprisonment for six months and fine of Rs.5,000/- and in default of payment of fine, to further undergo simple imprisonment for a period of two months. The appeal preferred by the petitioner against his conviction was also dismissed vide judgment dated 23<sup>rd</sup> October, 2015 passed by the learned Additional Sessions Judge. Hence the present revision petition.

It has been submitted by learned counsel for the petitioner and also clear from the nominal roll that fine has already been paid by the petitioner.

Learned counsel for the petitioner has rested his arguments on the quantum of sentence only.

I have heard learned counsel for the parties. The petitioner was imposed the maximum sentence of imprisonment of six months and

fine of Rs.5,000/-. Fine has already been paid.

In the facts and circumstances of the present case, this Court is of the considered opinion that the sentence of imprisonment of six months should be required to be reduced to four months. Accordingly, the sentence of six months imposed on the petitioner is modified to four months.

The revision petition is disposed of accordingly.

Let a copy of this order be sent to the concerned Superintendent, Jail.

**P.S.TEJI, J**

**FEBRUARY 05, 2016**

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