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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 521/2016**

ISHANT

..... Petitioner

Through: Mr. Vimal Puggal, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Ms. Manjeet Arya, APP for State with
SI Giriraj, P.S. Paharganj.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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11.10.2017

Petitioner was convicted under Sections 53/116 of the Delhi Police Act, 1978 (for short, the Act) and sentenced to undergo simple imprisonment for 1 year with fine of ₹5,000/- and in default of payment of fine to undergo simple imprisonment for 1 month. On appreciation of evidence, trial court concluded that petitioner had violated the externment order, thus, committed the offence punishable under Sections 53/116 of the Act. Petitioner preferred an appeal before the District Judge which has been dismissed vide order dated 4th July, 2016, which is impugned in this revision petition.

There are concurrent findings of two courts below on appreciation of evidence. It is trite law that a Revision Petition cannot partake the status of

an appeal. Evidence adduced before the trial court is not to be sifted and weighed by the High Court while exercising the revisional jurisdiction so as to superimpose its own finding as against the findings returned by the trial court and the Appellate Court. High Court has only to see as to whether there is any violation of legal principles or whether the findings returned by the trial court on the evidence adduced are palpably perverse. This principle has been enunciated by this court and the Supreme Court in a catena of judgments.

After arguing for some time, learned counsel for the petitioner, on instructions, has given up challenge to the conviction of the petitioner under Section 53/116 of the Act. He has only prayed for leniency in the sentence. It is submitted that the cases in which externment order was passed pertains to the period 2009-2010. Even externment period is over. Petitioner has already completed sentence of 4 months. The maximum sentence as envisaged under Section 116 of the Act is of 1 year. Trial Court has awarded the maximum sentence to the petitioner. Petitioner is aged about 25 years and a married person having two minor children. Petitioner has not indulged himself in any crime for the last five years. Learned counsel further submits that fine of ₹5,000/- has already been deposited.

Keeping in mind the facts and circumstances of the case, while upholding the conviction of the petitioner under Section 53/116 of the Act, his sentence is reduced to the period already undergone by him.

Revision petition is disposed of in the above terms.

A.K. PATHAK, J.

OCTOBER 11, 2017
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