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

+ CRL.REV.P. 820/2017, Crl. M.A. no. 17714/2017 & Crl. M.B. no. 1915/2017

MOHD. YUSUF

..... Petitioner

Through Mr. Ankur Sood and Ms. Romila
Mandal, Advs.

Versus

STATE

..... Respondent

Through Mr. G.M. Farooqui, APP with SI Om
Prakash, P.S. Hauz Khas

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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14.11.2017

There are concurrent findings of two courts about the guilt of the petitioner on appreciation of evidence. Trial court has convicted the petitioner under Section 379 IPC and sentenced him to undergo rigorous imprisonment for a period of three years with fine of ₹10,000/-; in default of payment of fine to undergo simple imprisonment for six months. Benefit of Section 428 Cr.P.C. was also given to the petitioner.

Appellate Court has also appreciated the evidence and has found the statement of victim PW1 Amit Gaur to be trustworthy and reliable and has

upheld the conviction and sentences awarded to the petitioner by the trial court.

PW1 has deposed in Court that on 8th January, 2016 he was going to his office by his car. When he reached at IIT Flyover, suddenly a boy knocked the glass of left side window of the car. At that time, car was at a very slow speed due to heavy rush of traffic. When he asked the said boy as to what had happened, he told that the car had run over his leg. Suddenly, another boy came to the right side window and told him not to stop the car. When he looked towards left side again, he found his iPhone (mobile phone) missing. PW1 identified the petitioner as the same person, who had knocked the window from the left side and had taken away his mobile phone.

After arguing for some time, learned counsel for the petitioner has given up the challenge to conviction of petitioner under Section 379 IPC. He has only prayed for leniency in sentence. It is submitted that petitioner is aged about 31 years. He is a married man. He has a family comprising of his wife and four minor children. Petitioner is in custody for about one year and eight months. Petitioner's wife is stated to be an illiterate lady. She is not working anywhere. It is submitted that whole family is suffering from

penury in absence of the petitioner.

Keeping in view the facts and circumstances of this case, sentence of the petitioner is reduced to two years from three years. However, sentence of fine is maintained as it is. Petitioner shall be entitled to take benefit of Section 428 Cr.P.C.

Petition is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous. Dasti.

A.K. PATHAK, J.

NOVEMBER 14, 2017

r.bararia