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

+ CRL.REV.P. 166/2018 & CrI. M.B. No. 355/2018 (suspension of sentence)

ROHTASH KUMAR Petitioner
Through Mr. Puneet Garg, Adv.

versus

STATE & ANR Respondents
Through Dr. M.P. Singh, APP with SI
Satyawar, P.S. Uttam Nagar
Respondent no. 2 in person

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **13.03.2018**

Petitioner was convicted under Sections 279/338 IPC and sentenced to undergo rigorous imprisonment for six months with fine of ₹1,000/- and in default of payment of fine, to undergo simple imprisonment for six months under Section 279 IPC; and to undergo rigorous imprisonment for one year with fine of ₹1,000/- and in default of payment of fine, to undergo simple imprisonment for six months, under Section 338 IPC. Petitioner was also directed to pay ₹30,000/- to injured Rameshwar (complainant/respondent no. 2).

Appeal filed by the petitioner was dismissed by the Appellate Court

by the impugned order.

That is how, petitioner is before this Court by way of present Revision Petition under Sections 397/401 Cr.P.C.

It is submitted that petitioner and respondent no. 2 have compromised the matter; therefore, offence under Section 338 IPC may be permitted to be compounded. It is further submitted that ₹40,000/- has already been paid to respondent no. 2. Respondent no. 2 is present in Court and has been identified by SI Satyawan of police station Uttam Nagar. Respondent no. 2 says that he has settled the matter with petitioner and has no objection in case offence under Section 338 IPC is compounded. Petitioner is aged about 43 years. He is a poor person. He has two minor children. Petitioner's wife is a housewife. Petitioner has no past criminal record. He has faced the agony of trial for 18 years. Accordingly, sentence of the petitioner under Section 279 be reduced.

Keeping in mind the facts and circumstances brought to the notice of this Court coupled with the fact that petitioner has compromised the matter with respondent no. 2 and has compensated him towards the medical expenses etc., this Court permits compounding of the offence under Section 338 IPC and acquit the petitioner for this offence. As regards offence under

Section 279 IPC is concerned, it provides maximum punishment of six months or fine or both. Sentence of the petitioner under Section 279 IPC is reduced to the sentence of fine of ₹1,000/- only. Fine has already been deposited before the trial court. Bail bond/surety bond, furnished by the petitioner, are discharged.

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

A.K. PATHAK, J.

MARCH 13, 2018

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