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

DECIDED ON : 14th MARCH, 2018

+ **CRL.REV.P. 711/2009**

NARENDER SINGH Petitioner
Through : Mr.Sachin Mishra, Advocate with Mr.Chirag
Sharma & Mr.Aayush Dua, Advocates.

versus

STATE NCT OF DELHI Respondent
Through : Mr.Tarang Srivastava, APP.

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

S.P.GARG, J. (Oral)

1. Present revision petition has been filed by the petitioner - Narender Singh to challenge the legality and correctness of a judgment dated 12.12.2009 of learned Addl. Sessions Judge in CrI.A.No.41/2009 in case FIR No.9/1996 PS Inderpuri whereby findings of the learned Metropolitan Magistrate regarding petitioner's conviction under Sections 279/304A IPC were endorsed. The petition is contested by the respondent.

2. I have heard the learned counsel for the parties and have examined the file. The petitioner was convicted by the Trial Court by a judgment dated 21.08.2009 for commission of offences punishable under Sections 279/304A IPC. By an order dated 11.09.2009, the

petitioner was sentenced to undergo simple imprisonment for fifteen months with fine ₹4,500/- under Section 304A IPC and Simple Imprisonment for fifteen days with fine ₹500/- under Section 279 IPC. Both the sentences were to operate concurrently. In appeal, the conviction recorded by the Trial Court was upheld. Sentence Order was, however, modified to the extent that simple imprisonment under Section 304A IPC would be for twelve months.

3. During the course of arguments, on instructions, learned counsel for the petitioner informed that the petitioner has opted not to challenge the findings of the Trial Court on conviction. Prayer was, however, made to take lenient view as the petitioner is the sole bread earner of the family and has remained in custody for sufficient duration.

4. Since the petitioner has opted to give up challenge to the findings on conviction and there is ample evidence on record to base conviction, the findings of the Trial Court on conviction are affirmed.

5. The petitioner at the relevant time was driving a mini bus used for commercial purposes. Due to his rash and negligent driving, he caused the death of a scooterist. The impact was so forceful that the victim sustained fatal injuries at the spot and was brought dead at the hospital. Various factors for taking lenient view have already been taken into consideration by the Courts below. The Trial Court awarded only fifteen months simple imprisonment which in appeal was altered to twelve months. No further leniency is called for. The petitioner was liable to ruin the family of the victim headed by him; it is so noted in the judgment of the appellate court.

6. The revision petition is unmerited and is dismissed.
7. Trial Court record (if any) be sent back forthwith with the copy of the order.
8. The petitioner shall surrender before the Trial Court on 22nd March, 2018 to serve out the remaining period of sentence.

**(S.P.GARG)
JUDGE**

MARCH 14, 2018 / *tr*