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

+ **CRL.REV.P. 764/2017**

MANOJ

..... Petitioner

Through: Mr. Aakash Naval and Mr. Armaan
Gupta, Advs.

versus

STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Akshai Malik, Addl. PP for the
State with ASI Yashpal Singh

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **08.02.2018**

1. The petitioner impugns judgment dated 11.08.2017 of the appellate court confirming the judgment dated 29.04.2015 convicting the petitioner for offences under Sections 341/323/354/506/34 IPC and also confirming the order on sentence dated 27.05.2015 sentencing the petitioner to undergo SI for 15 days for offence under Section 341/34 IPC, SI for a period of three months for offence under Section 323/34 IPC, SI for a period of two months for offence 506/34 IPC, SI for a period of six months for offence under Section 354/34 IPC and to further pay a fine of Rs. 5000/- under Section 354/34 IPC. Benefit of Section 428 Cr. P.C. was given to the petitioner.

2. Learned counsel for the petitioner submits that the fine stands paid. The petitioner was taken in custody on 11.08.2017 and is stated

to be incarcerated since then.

3. Learned counsel for petitioner contends that the court has erred in not noticing the contradictions in the statement of the prosecutrix. It is contended in the first statement given to the police based on which the FIR was registered, she had, inter-alia, stated that the petitioner did '*Badtamiji*'. It is contended that thereafter there was improvement in her statement and in her examination in chief she contended that the petitioner along with co-accused started tearing her clothes. Learned counsel submits that in the cross-examination she admitted that the petitioner was only trying to tear her clothes and clothes were not torn. It is contended that in the impugned judgment the Court had relied on the statement and the examination in chief and has erred in not noticing in the cross-examination that the clothes were not torn.

4. At this stage, learned Addl. PP for the State points out that the petitioner has already undergone the sentence and has been released on 04.02.2018.

5. I am not inclined to interfere with the order dated 08.11.2017 on the issue of conviction. In view of the petitioner having already undergone the sentence, the petition is infructuous qua the issue of quantum.

6. The petition is accordingly dismissed.

SANJEEV SACHDEVA, J

FEBRUARY 08, 2018/'rs'