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

DECIDED ON : JANUARY 18, 2018

+ **Crl.Rev.P.823/2017 and Crl.M.B.1916/2017**

MOHD.UMAR

..... Petitioner

Through : Mr.U.M.Tripathi, Advocate.

versus

THE STATE

..... Respondent

Through : Mr.Tarang Srivastava, APP.
ASI Rajesh Kumar, PS Kashmiri Gate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (OPEN COURT)

1. Present revision petition has been filed by the petitioner to challenge the legality and correctness of an order dated 23.09.2017 of learned Additional Sessions Judge in Crl.A.No.199/2017 whereby the findings of the Trial Court on conviction in case FIR No.43/13 under Section 379/411 IPC registered at Police Station Kashmere Gate (Metro) by a judgment dated 09.08.2017 were confirmed. The revision petition is contested by the respondent.

2. I have heard the learned counsel for the parties and have examined the file.

3. On perusal of the file it reveals that the petitioner was convicted under Section 379 IPC by an order dated 09.08.2017 of learned Metropolitan Magistrate and was sentenced to undergo Simple Imprisonment for two years with fine ₹5,000/- by an order dated 11.09.2017. The said order was challenged in Crl.A.No.199/2017. During the course of arguments in appeal, the appellant opted to give up challenge to the findings recorded on conviction by the learned trial court. A prayer was made before the appellate court to take lenient view and to modify the sentence. The appellate court vide its judgment dated 23.09.2017 reduced the sentence to Simple Imprisonment for nine months while maintaining the imposition of fine.
4. The appellate court has already taken lenient view and has modified the sentence. The allegations against the petitioner are that he was apprehended red handed at the spot while picking pocket of the complainant. The petitioner is involved in number of similar cases.
5. Considering the gravity of the offence and the serious allegations, no further modification in the sentence order is called for.
6. The revision petition being unmerited is dismissed.
7. All pending application(s) also stand disposed of.

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

JANUARY 18, 2018/sa