

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

Date of Order: January 07, 2019

+ **CRL.REV.P. 1/2019**

SANJEEV JAIN & ANR.

..... Petitioners

Through: Mr. Vijay Dutt & Mr. Surya
Prakash Rana, Advocates

Versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-State with
ASI Jai Bhagwan

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Crl.M.A. 20/2019

Delay of 76 days in re-filing the petition is condoned for the reasons stated in the application.

Application is disposed of.

Crl.M.A. 19/2019

There is delay of 11 days in filing the accompanying petition.

Upon hearing, I find that sufficient cause is shown to condone the delay occasioned. The application is allowed and delay is condoned.

The application is disposed of.

Crl.M.A. 18/2019

Allowed subject to all just exceptions.

CRL.REV.P. 1/2019

1. In this petition, the challenge is to the concurrent findings of the courts below regarding conviction and sentence of petitioners for the offence under Sections 411/120-B IPC. Petitioners have been sentenced to the period already undergone by them.
2. Petitioners' counsel submits that the fine imposed has already been deposited. It is submitted that there is delay of 19 days in lodging of the FIR and the provisions of Section 27 of the *Indian Evidence Act, 1872* have not been complied with and no independent witnesses are coming forth to depose about this incident. It is submitted by petitioners' counsel that there is no evidence on record to connect petitioners with the mobile phone in question. Thus, acquittal of petitioners is sought in this petition.
3. Upon notice, learned Additional Public Prosecutor for respondent-State submits that wife of complainant (*PW-1*) has supported the prosecution case and she has identified the mobile phone in question.
4. Upon hearing, I find no illegality or infirmity in the concurrent findings returned by the courts below. The conviction and sentence awarded to petitioners is just and appropriate.
5. With aforesaid observations, this petition is accordingly dismissed.

(SUNIL GAUR)
JUDGE

JANUARY 07, 2019

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