

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

Date of Order: May 13, 2019

+ **CRL.REV.P. 76/2019 and Crl.M.A.1294/2019 (for stay)**

DAVINDER KUMAR

..... Petitioner

Through: Mr.Yogesh Kumar, Advocates

Versus

STATE & ANR.

..... Respondent

Through: Mr.M.P.Singh, APP for the State
with SI Rahul Singh, PS Pandav
Nagar.

Mr.S.K.Jha, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Grant of probation to petitioner is set aside by the Revisional Court vide impugned order of 13th December, 2018 by observing that petitioner had not disclosed about his involvement in FIR Nos.384/2000 and 499/2002 both registered at Police Station Pandav Nagar, New Delhi.

Learned counsel for petitioner submits that in the aforesaid FIRs, petitioner was not convicted for the offence under the Gambling Act and for causing simple hurt. Petitioner's counsel submits that he was not aware that petitioner was to disclose about the cases in which he has not been convicted.

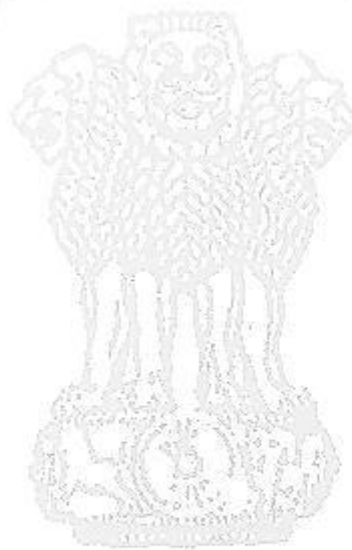
Upon hearing and on perusal of impugned order, I find that in the above said two FIRs accused petitioner was not convicted. Since the

concealment of the aforesaid FIRs was not intentional, therefore, Revisional Court was not justified in setting aside trial court's order whereby probation was granted to the petitioner. In view of the above, the impugned order of 13th December, 2018 is set aside and trial court's order of 09th August, 2018 is restored.

This petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 13, 2019
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