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

+ **CRL.REV.P. 295/2019**

SUMIT MAHAJAN

..... Petitioner

Through: Mr. Davinder N. Grover and
Mr. Akshit Rastogi, Advocates

versus

STATE

..... Respondent

Through: Mr. Amit Chadha, APP with
Insp. Rajendra Prasad, TI/Patel
Nagar Circle

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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28.11.2019

1. Petitioner has filed the present revision petition under Section 397 read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) against the order dated 11.03.2019 passed by District and Session Judge, West, Tis Hazari Courts, New Delhi whereby the appeal filed by the petitioner under Section 375 of the Cr.P.C. against the order on sentence vide STR entry No.101 dated 3.2.2019 passed by Duty Metropolitan Magistrate, North District, Rohini Courts, New Delhi whereby the convict was sentenced to pay a fine of Rs.8,000/- for the offence punishable under Sections 3/181, 146/196, 115/190(2) and Section 185 of the Motor Vehicles Act (MV Act) and was sentenced to undergo simple imprisonment (SI) for one month under Section 185 of the MV Act, was modified to simple imprisonment of

10 days and application under Section 3/4 of the Probation of the Offenders Act, 1958 for release of petitioner on probation was dismissed and the petitioner was sent to custody to serve the sentence of 10 days simple imprisonment.

2. Learned counsel for the petitioner submitted that taking into consideration the age as well as the socio-economic condition of the petitioner and his family and in view of the aforesaid facts, the present petition may be treated as mercy petition.

3. Learned Counsel also submitted that during the pendency of the case before the Trial Court as well as before the Appellate Court and also during the custody the conduct of the petitioner was satisfactory as is evident from the nominal roll.

4. Learned counsel for the petitioner further submitted that the petitioner is aged 48 years old and has already undergone surgery for urinary bladder. He has to take care of his aged parents and is also having a family comprising of one daughter and one son aged 19 years and 21 years, respectively. Learned counsel for the petitioner further submitted that the petitioner is ready to pay a sum of Rs.15,000/- which may be used for some social beneficial cause in any trust or association.

5. The Nominal Roll of the petitioner demonstrates that the petitioner has remained in judicial custody for four days.

6. The Investigating Officer, present in Court, on the query of the Court, submitted that the petitioner has no other criminal antecedent and reiterated the facts mentioned in the Status Report.

7. Hence, taking into consideration the aforesaid submission, the

age of the petitioner, the offence committed, economic condition of the petitioner and his family, the period already undergone, the conduct in jail as satisfactory, with no history of previous conviction and the culpability, I am of the view that the ends of justice would be met if the sentence of imprisonment awarded to the petitioner is modified and reduced to the period already undergone.

8. Accordingly, the conviction order is upheld and the order on sentence awarded to the petitioner is modified to the period of imprisonment already undergone, subject to deposit of Rs.15,000/- out of which Rs.5,000/- be deposited in the Delhi Police Matrys' Fund, Rs.5,000/- in the Delhi High Court Staff Welfare Fund SB A/c No.15530110074442 UCO Bank, Delhi High Court and Rs.5,000/- in the Prime Ministers' Relief Fund.

9. The petition is accordingly, partly allowed and disposed of in the above terms.

10. Trial Court record be sent back along with copy of this order. Copy of this order be also sent to the Jail Superintendent, Tihar Jail, New Delhi for updating the jail record.

CHANDER SHEKHAR, J

NOVEMBER 28, 2019

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