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

+ CRL.REV.P. 198/2017

SAZEED

..... Petitioner

Through Mr. Jyoti Gupta, Adv.

versus

STATE

..... Respondent

Through Mr. Hirein Sharma, APP for State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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05.12.2019

Vide the present petition, petitioner seeks direction thereby to set aside the judgment/order dated 28.02.2017 passed by learned ASJ, Saket Courts in appeal No. 149/15, whereby the conviction order dated 23.04.2015 and order on sentence dated 14.05.2015 has been confirmed.

Counsel for the petitioner, on instructions from the petitioner, who is present in Court submits that the petitioner has already undergone more than one year out of the total sentence awarded by the trial court of 18 months R.I., vide order on sentence dated 14.05.2015 and the fine amount has already been deposited.

Learned APP submits that the victim in the present case was of five years at the time of the incident and the petitioner was convicted under Section 354 IPC, thus the prayer of the petitioner may not be accepted. Therefore, let the petitioner complete the sentence awarded by the Trial Court.

It is not in dispute that the alleged accident is of 23.04.2008, since then, the petitioner is facing trial in this case and finally, he has been convicted vide order dated 23.04.2015 and sentenced for 18 months R.I. vide order on sentence dated 14.05.2015 out of which, he has completed one year of sentence.

It is also not in dispute that the petitioner belongs to the lower strata of the society and he was working as a Labourer and there is no other criminal record in the past.

Therefore, keeping in view the fact that out of the sentence of 18 months, petitioner has already completed one year, I hereby while maintaining conviction order dated 23.04.2015, modify the sentence order dated 14.05.2015 to the extent that he shall be released on the sentence already undergone.

Since the sentence of the petitioner has already been suspended vide order dated 30.01.2018 and the petitioner is on bail, he is released from this case forthwith.

A copy of this order be sent to the jail superintendent concerned for information and record and also to the Trial Court.

SURESH KUMAR KAIT, J

DECEMBER 05, 2019

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