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

+ **CRL. REV. P. 778/2019**

RAMESH CHAND

..... Petitioner

Through Mr. R. K. Lamba, Advocate.

versus

STATE

..... Respondent

Through Ms. Kusum Dhalla, APP for State.
W/ASI Sunita, P.S. J.P. Kalan.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.01.2020

1. The petitioner has filed the present revision petition, *inter alia*, impugning a judgment dated 03.06.2019 whereby the petitioner's appeal against an order of conviction dated 21.02.2019 and the order dated 25.02.2019 sentencing him to imprisonment for a period of one year and six months, was rejected.
2. By the order dated 21.02.2019, the petitioner was convicted for the commission of an offence under Section 354 of the IPC. He was prosecuted pursuant to an FIR bearing No.32/2017 registered with PS Jafarpur Kalan. The Trial Court had found that on 01.02.2017, the petitioner had inappropriately felt the inner thigh (close to her private parts) of the prosecutrix. It was also found that the petitioner was in an inebriated condition at the material time. By an order dated 25.02.2019, the petitioner was sentenced to rigorous imprisonment for a period of eighteen months

with a fine of ₹5,000/-. It was further directed that in the default of payment of fine, the petitioner would undergo simple imprisonment for a further period of fifteen days.

3. Aggrieved by the aforesaid decision, the petitioner preferred an appeal which was disposed of by an order dated 03.06.2019. The appellate court had considered the evidence obtaining in the case and had upheld the conviction. However, the Appellate Court had, considering the mitigating circumstances including the age of the petitioner, reduced his sentence to one year instead of one year and six months.

4. The learned counsel appearing for the petitioner earnestly contended that the petitioner is truly repentant and a precedent should be given to the reformatory process instead of incarcerating the petitioner. He states that the petitioner is now fifty-eight years of age and an agriculturist and considering his age and social strata, petitioner's sentence be further reduced to the period already served as the petitioner has already undergone custody of two months.

5. It is seen that the Trial Court had considered the mitigating circumstances and therefore, awarded the sentence of one year and six months. The Trial Court had noticed that although the offence for which the petitioner was convicted was punishable with a term which may extend to five years with a fine; but had awarded a much-reduced sentence. The minimum sentence provided for the commission of the said offence was one year. The Appellate Court had further considered the mitigating circumstances and had reduced the period of sentence to the minimum sentence as provided.

6. In view of the above, this Court finds no infirmity with the decision of

the appellate court sentencing the petitioner for rigorous imprisonment for a period of one year.

7. At this stage, the learned counsel appearing for the petitioner states that the petitioner is an agriculturist and will not be able to complete the cropping cycle in the event the petitioner is taken into custody; and, he would lose his crops, for which he has already put in much effort. He also undertakes on behalf of the petitioner that the petitioner would surrender on or before 30.04.2020 and prays that this Court may allow him this indulgence.

8. Given the surrounding circumstances of this case, this Court considers it apposite to accede to the aforesaid request. No interference with the impugned judgment is warranted. However, the petitioner is permitted to delay his surrender to a date on or before 30.04.2020.

9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 27, 2020
DR