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

% Judgment delivered on: 12.10.2023

+ CRL.REV.P. 806/2016

PARSHU RAM

..... Petitioner

Through: Mr Rajiv Bajaj and Mr Haran
Praitash, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr Aashneet Singh, APP for the State
with SI Manish, PS Hari Nagar.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J. (ORAL)

1. The petitioner has filed this revision petition against the judgment dated 09.11.2016 passed by the learned Sessions Judge-02 (West), Delhi whereby Crl. Appeal No. 321/4/2013 (New No.) 54303/2016 titled Prashu Ram Vs. State was dismissed.

2. The aforesaid appeal was preferred by the petitioner against the –
(i) judgment dated 01.06.2023 whereby the petitioner alongwith co-accused was convicted for the offence punishable under Section 385/417/419/465/34 IPC, and (ii) order dated 04.07.2013 whereby the petitioner was sentenced as under:-



S.No.	Convicted under Section	Imprisonment	Fine
1.	385 IPC	01 year	Rs.2,000/- and in default SI for one month
2.	419 IPC	02 years	Rs. 3,000/- and in default SI for two months
3.	417 IPC	06 months	Rs.1,000/- and in default SI for fifteen days
4.	465 IPC	06 months	Rs.2,000/- and in default SI for one month

3. The petitioner alongwith co-accused Rahul was held guilty for having committed offence under Sections 385/417/419/465/34 IPC for having extorted Rs.7,000/- from the complainant on 18.12.2008 posing as BSES employees.

4. At the outset, the learned counsel for the petitioner contended that he does not wish to contest the findings of the learned Trial Court as well as of the learned Appellate Court on merits. He submits that a lenient view be taken in the matter of sentence.

5. He further submits that the petitioner has already served sentence of 103 days till date besides undergoing agony of trial from the year 2008 till 2013. Thereafter, he had preferred an appeal against the order of conviction



and sentence passed by the learned Trial Court on 04.07.2013 and has then prosecuted the appeal before the learned Appellate Court till the passing of the impugned order on 09.11.2016.

6. He submits that the present petition was filed in the year 2016 challenging the order of the Appellate Court and the petition is still pending. He thus, contends that the petitioner has been facing litigation since the year 2008.

7. He submits that at the time of incident the petitioner was of young age of 24 years and due to bad company, as well as, high rate of unemployment he indulged in such activity, for which he is remorseful and repent of what has been done by him.

8. He submits that during the pendency of the proceedings the petitioner got married and was also blessed with a daughter who is aged about 07 years. At this stage the petitioner is well settled in life and has old parents who are also dependent on him. In support of his contention, the learned counsel has placed on record the Aadhar cards of his wife and daughter, as well as, school fee receipts of his daughter. The position that the petitioner is settled in life and has a wife and a daughter aged about 07 years as well as dependent parents, is affirmed by the learned APP, on instructions from the IO, who is present in Court.

9. The learned counsel also invites the attention of the Court that the fine of Rs.8,000/- awarded has already been deposited by the petitioner. He refers to the receipt dated 04.07.2013 in support of his contention.

10. The learned counsel further submits that leniency be shown by this Court in the matter of sentence and his sentence may be reduced to the one already undergone. Reliance has also been placed by the learned counsel on



the decision of Hon'ble Supreme Court in *Mohd. Hashim Vs. State of U.P. (2017) 2 SCC 198* to contend that none of the offences for which the petitioner has been convicted provides for any minimum sentence, therefore, the Court has discretion to reduce the sentence of the petitioner to the period already undergone, which position is also not disputed by the learned APP.

11. Without going into the merits of the case and having regard to the submissions and the fact that the incident took place on 18.12.2008 and that the petitioner has already undergone sentence of 103 days and has faced the agony of trial and subsequent litigation in the form of an appeal and the present petition since 2008 and further considering that the offence was committed by him when he was 24 years of age and has now settled down in his life having wife and 07 years of age daughter, as well as, dependent parents, this Court finds that it is a fit case where reduction of sentence of the petitioner would serve the ends of justice.

12. Accordingly, while maintaining the conviction and the impugned judgment of the Appellate Court, the sentence awarded by the learned Trial Court and affirmed by the learned Appellate Court, is reduced to the period already undergone by the petitioner.

13. In view of the above, the petition is partly allowed.

14. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

VIKAS MAHAJAN, J

OCTOBER 12, 2023
N.S. ASWAL