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

+ CRL.REV.P. 82/2014

DALARUDDIN

.....Petitioner

Through: None.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Neeraj, PS Subzi Mandi.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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09.09.2025

1. The present revision petition has been filed challenging judgment dated 08.01.2014 (hereafter '**impugned judgment**') passed by the learned Additional Sessions Judge ('**ASJ**'), Central District, Delhi in Criminal Appeal No. 91/2013.

2. Briefly stated, it is alleged, that the petitioner along with another co-accused committed theft of a *Mangalsutra* from the suit case of the complainant which was subsequently recovered from the petitioner, whereafter, police registered FIR No. 273/2009 under Sections 379/411/34 of the Indian Penal Code, 1860 ('**IPC**').

3. By order dated 27.07.2013, the learned Metropolitan Magistrate ('**MM**') convicted the petitioner for the offences under Sections 379/34 of the IPC and was sentenced to rigorous imprisonment for a period of one year and six months for the aforesaid offences.

4. Aggrieved by the aforesaid order, the petitioner preferred an appeal before the learned ASJ being Criminal Appeal No. **CRL.REV.P. 82/2014**

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91/2013. By the impugned judgment the learned ASJ upheld the conviction of the petitioner for the offences under Sections 379/34 of the IPC, however, modified the sentence of the petitioner to rigorous imprisonment for a period of one year.

5. This Court by order dated 19.03.2014, had suspended the sentence of the petitioner till the pendency of the present petition.

6. None appears for the petitioner today.

7. On the last date of hearing, the learned counsel for the petitioner argued that the offences under which the petitioner has been convicted do not prescribe any minimum sentence.

8. He submitted that the petitioner belongs to the poor strata of the society and he is the sole bread earner in his family, which includes his wife and five minor children.

9. He lastly submitted that a lenient view may be taken by this Court considering the fact that the petitioner has already undergone more than 6 months in custody.

10. The learned Additional Public Prosecutor for the State submits that the State has no objection if the sentence of the petitioner is commuted to the period already undergone.

11. The Hon'ble Apex Court, in the case of **Ramdas v. State of Madhya Pradesh : (2009) 4 SCC 57**, in a case involving conviction for the offence under Section 324 of the IPC, had commuted the sentence of 3 years to the period already undergone, that is, fifteen months, by factoring in that the appellant therein had been prosecuting the matter before various Courts for over fourteen years.

12. In the case of **B.G. Goswami v. Delhi Admn. : (1974) 3 SCC 85**, the Hon'ble Apex Court had observed that the reformatory aspect of sentence is given primacy in modern
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society and reduced the sentence to the period already undergone by the appellant therein. It was observed that sending the appellant to jail after seven years of pursuing the proceedings would cause him to lose his job and undue hardship to his family members. The relevant portion of the judgment is reproduced hereunder:

*“10... Now the question of sentence is always a difficult question, requiring as it does, proper adjustment and balancing of various considerations which weigh with a judicial mind in determining its appropriate quantum in a given case. **The main purpose of the sentence broadly stated is that the accused must realise that he has committed an act which is not only harmful to the society of which he forms an integral part but is also harmful to his own future, both as an individual and as a member of the society.** Punishment is designed to protect society by deterring potential offenders as also by preventing the guilty party from repeating the offence; it is also designed to reform the offender and reclaim him as a law abiding citizen for the good of the society as a whole. Reformatory, deterrent and punitive aspects of punishment thus play their due part in judicial thinking while determining this question. **In modern civilized societies, however, reformatory aspect is being given somewhat greater importance.** Too lenient as well as too harsh sentence both lose their efficaciousness. One does not deter and the other may frustrate, thereby making the offender a hardened criminal. **In the present case, after weighing the considerations already noticed by us and the fact that to send the appellant back to jail now after seven years of the agony and harassment of these proceedings when he is also going to lose his job and has to earn a living for himself and for his family members and for those dependent on him, we feel that it would meet the ends of justice if we reduce the sentence of imprisonment to that already undergone but increase the sentence of fine from Rs 200 to Rs 400. Period of imprisonment in case of default will remain the same.**”*

(emphasis supplied)

13. In the present case, it is pertinent to note that the incident dates back to the year 2009. The petitioner was convicted by the learned MM in the year 2013. Thereafter, the appeal preferred by the petitioner was disposed of in the year 2014 and the petitioner



has been pursuing the present matter since then.

14. This Court by order dated 01.09.2025 directed the petitioner to file an affidavit indicating the mitigating circumstances.

15. The affidavit in compliance of the same has been filed indicating that the petitioner is operating a battery rickshaw and belongs to poor strata of the society. It is further pointed out that his family consists a wife and five minor children.

16. The petitioner is currently residing in Village Ismailpur, District Badayun, Uttar Pradesh and he is not involved in any other case.

17. Petitioner is not challenging the impugned judgment of conviction and has confined his prayer to commuting of sentence for the period already undergone. Petitioner has already spent more than 06 months in custody. The offence was committed long back in the year 2009 and the petitioner has already suffered a ordeal of long legal process. Petitioner has since moved on in life and is currently married having 5 minor children to fend for. Considering the mitigating circumstances, the sentence of imprisonment of one year is commuted to the period already undergone.

18. The petition stands disposed of with the aforesaid directions.

AMIT MAHAJAN, J

SEPTEMBER 9, 2025

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