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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 126/2025 & CRL.M.A. 10368/2025**

SHYAM SAINI

.....Petitioner

Through: Mr. M.L. Chaudhary, Adv.
versus

STATE OF (NCT) DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Suraj, PS- Hauz Khas

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **17.04.2025**

1. The petitioner challenges the judgment dated 18.07.2023 and order on sentence dated 26.08.2023, passed by the learned Metropolitan Magistrate, Saket Courts, New Delhi in Criminal Case No. 2032850/2016, pursuant to which the petitioner was convicted for the offences under Sections 419/120B of the Indian Penal Code, 1860 ('IPC') and Section 120B/420 of the IPC and was sentenced to undergo rigorous imprisonment for a period of three years and fine of ₹10,000/- for the offence under Section 419/120B of the IPC, rigorous imprisonment for a period of three years and fine of ₹10,000/- in respect of offence under Section 420/120B of the IPC, and rigorous imprisonment for one year and a fine of ₹5,000/- in respect of offence under Section 120B of the IPC.

2. On the last date of hearing, the learned counsel for the petitioner submitted that the petitioner does not wish to challenge the judgement of conviction and would be satisfied if the sentence is reduced to the period already undergone.

3. The affidavit of the wife of the appellant has been handed over today. The same is taken on record.

4. It is pointed out that the petitioner has two children, one aged 23 years and one minor daughter aged 15 years. The petitioner does



not have any other earning member in the family and, undisputedly, he is required to take care of his family as well.

5. The nominal roll, as requisitioned, indicates that out of the total three years of sentence, the petitioner has already undergone two years and two months in custody, as observed in the order dated 04.04.2025.

6. The wife of the petitioner is also present in Court and states that she had discussed with the appellant and the appellant does not wish to challenge the order of conviction and a lenient view be taken and the sentence be reduced to the period already undergone.

7. The learned Additional Public Prosecutor for the State submits that he has no objection considering the mitigating circumstances, the sentence may be reduced to the period already undergone by the petitioner.

8. In view of the above, the judgment dated 18.07.2023 is upheld, however, the order on sentence dated 26.08.2023 is modified to the period already undergone.

9. The Jail Superintendent is directed to forthwith release the petitioner on the strength of the present order.

10. The learned counsel for the petitioner submits that the fine amount has already been deposited before the learned Trial Court. The nominal roll, however, indicates to the contrary.

11. Let proof of deposit of fine be submitted to the Jail Superintendent within a period of four weeks.

12. The petition is disposed of with the aforesaid observations.

13. Pending application also stands disposed of.

AMIT MAHAJAN, J

APRIL 17, 2025

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