



2025:DHC:10960



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

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Date of decision: 06.12.2025

+ **CRL.REV.P. 82/2017**

ASHOK KUMAR

.....Petitioner

Through: Mr. Avtar Singh, Advocate

versus

STATE (NCT) OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the
State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J. (Oral)

1. The file is taken up today from the category of 'Regular Matters'.
2. Written submissions filed by the petitioner are on record.
3. The instant criminal revision petition has been filed on behalf of the petitioner assailing the judgment dated 16.01.2017 passed by the learned District and Sessions Judge, South District, Saket, New Delhi in Criminal Appeal No.8031/2016, *vide* which the judgment dated 16.05.2016 and order on sentence dated 23.05.2016 passed by the learned Additional Chief Metropolitan Magistrate, South District,



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Saket Court, New Delhi, arising out of FIR bearing No. 251/2011, registered at Police Station Saket, Delhi for the commission of offences punishable under Section 51 of Delhi Excise Act, 2009, was upheld.

4. On the basis of the evidence on record, the learned Trial Court had convicted the petitioner under Section 51 of Delhi Excise Act, 2009 and accordingly sentenced him to rigorous imprisonment for a period of 06 months and to pay a fine of Rs. 10,000/- and in default of payment of fine, to further undergo simple imprisonment for a period of one month. The learned Appellate Court upheld the conviction and sentence of the petitioner.

5. Aggrieved by the aforesaid impugned judgments, the present criminal revision petition had been preferred by the petitioner.

6. During the course of arguments, the learned counsel for the petitioner submits, on instructions, that the petitioner does not assail the judgment of conviction, however, he states that a lenient view be taken in this case. It is stated that the petitioner has already undergone sentence for a period of 02 months and 04 days, out of total sentence of 06 months and considering the sentence already undergone by the petitioner, his sentence of imprisonment may be reduced to the period already undergone by him.

7. The learned APP for the State submits that he has no objection if the sentence of the appellant is reduced to the period already undergone by him, while the conviction is upheld.

8. This Court has **heard** arguments addressed on behalf of both



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the parties and has gone through the material placed on record.

9. This Court notes that the FIR in this case pertains to the year 2011. The petitioner has already remained in judicial custody for more than 02 months (and earned remission of 17 days), out of the 06 months rigorous imprisonment awarded to him. His conduct in the jail is satisfactory, as per the nominal roll.

10. Thus, considering the overall facts and circumstances of the case, and after going through the nominal roll of the petitioner, and the fact that the conviction is not being challenged, this Court is of the opinion that ends of justice would be met in case the sentence of imprisonment of the petitioner is reduced to the period already undergone by him in relation to the present case. However, the conviction of the appellant is upheld. Further, the fine imposed on the petitioner is enhanced from ₹10,000/- to ₹25,000/- to be paid within a period of 15 days and compliance report of the same be filed with the Registry of this Court.

11. Accordingly, the present criminal revision petition stands disposed of in above terms.

12. Bail bonds stand cancelled, and the surety stand discharged.

13. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 06, 2025/ns

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