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

+ **CRL.REV.P. 583/2023**

SH KAREEM KHAN

.....Petitioner

Through: Counsel (Appearance not
given)

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State
Ms. Tanya Agarwal & Mr.
Krishna Kumar Keshav,
Advs. for R2

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

28.11.2025

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1. The present revision petition is filed challenging the judgment dated 28.04.2023 (hereafter '**impugned judgment**') passed by the learned Appellate Court in Criminal Appeal 09/2019.

2. By the impugned judgment, the learned Appellate Court dismissed the appeal preferred by the petitioner and upheld the judgment of conviction dated 19.11.2018 and partly modified the order on sentence dated 30.11.2018 passed by the learned Metropolitan Magistrate ('**MM**'), South East, Saket Courts, New Delhi in case arising out of FIR No. 98/2013, registered at Police Station Lodi Colony.

3. By the judgment on conviction dated 19.11.2018, the learned MM convicted the petitioner for the offences under Sections 287/304A of the IPC.

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4. By the order on sentence dated 30.11.2018, the learned MM sentenced the petitioner to undergo simple imprisonment for a period of 6 months and to pay a fine of ₹1,000/- and in default of payment of fine to undergo simple imprisonment for a period of 10 days for the offence under Section 287 of the IPC. Further, the petitioner was directed to undergo simple imprisonment for a period of two years and to pay a fine of ₹10,000/- and in default of payment of fine to undergo simple imprisonment for a period of 30 days for the offence under Section 304A of the IPC. Both the sentences were directed to run concurrently.

5. By the impugned judgment, the learned Appellate Court partly modified the order on sentence dated 30.11.2018, and directed the petitioner to undergo simple imprisonment for a period of one year along with payment of fine of ₹10,000/- for the offence under Section 304A of the IPC.

6. Succinctly stated, it is alleged that the petitioner installed a desert cooler on the street adjacent to his *jhuggi* and failed to maintain the said cooler despite repeated complaints of leakage of electric current. It is alleged that as a consequence of the rash and negligent act of the petitioner in failing to maintain the said cooler, the complainant's nephew (aged about 8 years) got electrocuted and subsequently died. The same led to the registration of the FIR.

7. The learned counsel for the petitioner, at the outset, submits that the petitioner does not wish to press the challenge to the impugned judgment and will be satisfied if his sentence is commuted to the period already undergone by him. He submits that the petitioner was convicted almost five years after the



alleged incident in the year 2013, and almost twelve years have elapsed since then as well. He submits that the offences for which the petitioner has been convicted do not prescribe any minimum sentence.

8. He submits that a lenient view may be taken considering that the petitioner is more than 70 years of age and is also suffering from various age-related ailments. He submits that no purpose would be served by subjecting the petitioner to undergo the remaining period in custody.

9. The learned Additional Public Prosecutor for the State submits that considering the mitigating circumstances, the State has no objection if the sentence of the petitioner is commuted to the period already undergone by him.

10. The parents of the victim are also present in Court and state that they have taken a compensation amount of ₹1,50,000/- and are satisfied with the same. They have emphasised that the victim died due to an accident, and they do not wish that the petitioner, who is more than 70 years of age, is made to suffer further harassment or incarceration at this stage of his life.

11. I have heard the counsel and perused the record.

12. In the present case, it is relevant to note that the incident dates back to the year 2013 and the petitioner has been pursuing the matter for almost twelve years. The petitioner is stated to be more than 70 years of age and suffering from age related ailments.

13. It is pertinent to note that Sections 287/304A of the IPC do not prescribe a minimum sentence. The nominal roll indicates that the petitioner has undergone imprisonment for a period of 26



days out of the total awarded sentence of 1 year. While the petitioner has not suffered incarceration for a considerable time, this Court cannot lose sight of the reformatory purpose of sentencing as well as the fact that the petitioner is more than 70 years of age and has been pursuing the matter for more than a decade. In the opinion of this Court, interests of justice would be met if the sentence imposed upon the petitioner is reduced to the period already undergone by him.

14. In view of the above, without interfering with the conviction of the petitioner, his sentence of one year is reduced to the imprisonment already suffered by him.

15. The fine amount (if not already paid) is directed to be deposited within a period of two months from date.

16. Let the proof of deposit of fine amount be submitted with the concerned SHO.

17. The bail bond and surety furnished by the petitioner shall stand discharged.

18. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

NOVEMBER 28, 2025
“SS”