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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 614/2023 CRL.M.(BAIL) 760/2023**
JAI SINGH @ AKBAR @ RAJA @ ASLAMPetitioner

Through: Mr. Kanhaiya Singhal, Mr. Prasanna,
Mr. Ajay, Ms. Anisha Rastogi and
Mr. Binwant Singh, bAdvs.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Raj Kumar, APP for the State.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **17.01.2025**

1. The present revision petitioner under Section 397 of Code of Criminal Procedure, 1973 (hereafter '*Cr.P.C.*') has been filed on behalf of the petitioner, seeking setting aside of judgment dated 06.12.2022 passed by the learned ASJ-04, East District, Karkardooma Court, Delhi in Criminal Appeal No. 65/2020, titled as "Jai Singh @ Akbar @ Raja @ Aslam v. State" and consequentially set-aside the Order of conviction dated 09.08.2019 and order on sentence dated 20.08.2019 passed by the learned Chief Metropolitan Magistrate, East District, Karkardooma Court, Delhi in Criminal Case No. 3958/2017 arising out of FIR No. 535/17, P.S. Pandav Nagar registered under Sections 380/457 of the Indian Penal Code, 1860 (hereafter '*IPC*'). Vide the said orders, the petitioner was sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10000 /- for offence under Section 380 of IPC and in default of



payment of fine, to undergo 30 days SI. The petitioner was sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10000/- for offence under Section 457 of the IPC and in default of payment of fine, to undergo 30 days SI. Both the sentences were directed to run concurrently.

2. At the outset, the learned counsel appearing on behalf of the petitioner submits, on instructions, that the petitioner is not pressing the present petition on its merits. It is further submitted that the petitioner rather prays for leniency since the incident in question had taken place about 22 years back. It is stated that considering the period of custody already undergone by the petitioner, his sentence of imprisonment may be reduced to the period already undergone.

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

4. This Court has heard arguments addressed on behalf of both the parties and has gone through the material placed on record.

5. This Court notes that the present case emanates from an FIR registered in the year 2002, pertaining to an incident dated 02.10.2002. Thus, the offence in question had taken place about 22 years ago. Further, it is also a matter of record that the present petition is pending before this Court since 2023. The petitioner herein was aged about 39 years at the time of the incident, who today is more than 65 years of age.

6. During arguments before this Court, it has also come on record that in the last 22 years, the petitioner has proven to be a law abiding citizen,



supporting his family and earning an honest living. The material available on record also shows that from the year 2002 till date, his conduct has been good, and no other case has been registered against him.

7. Thus, considering the overall facts and circumstances of the case, and after going through the nominal roll of the petitioner, which mentions that the petitioner has already served sentence of rigorous imprisonment for more than two years and six months out of the total sentence of three years awarded to him, 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.

8. Bail bonds stand cancelled and the sureties stand discharged.

9. Accordingly, the present petition stands disposed of in above terms. Pending application, if any, also stands disposed of.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 17, 2025/A

[Click here to check corrigendum, if any](#)