



2025:DHC:11645



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: December 19, 2025***+ **CRL.REV.P. 517/2014**
SOM NATH

.....Petitioner

Through: Mr. Vivek Kumar Tandon,
Ms. Ritu Rajput, Ms.
Laxmi Gupta & Ms. Pooja
Giri, Advs. along with
petitioner in person.

versus

STATE

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State.
SI Priyanka Saini, PS
Bindapur.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present petition is filed challenging the order dated 19.08.2014 (hereafter '**impugned order**'), passed by the learned Appellate Court in Criminal Appeal No. 41/14.
2. By the impugned order, the learned Appellate Court had dismissed the appeal filed by the petitioner and upheld the judgment dated 29.04.2013 and order on sentence dated 08.05.2013, passed in the case arising out of FIR No. 189/08 which was registered at Police Station Binda Pur, whereby the learned Trial Court had convicted the petitioner for the offences under Sections 7/10/55 of the Essential Commodities Act, 1955 and sentenced him to undergo simple imprisonment for a period



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of 8 months and to pay a fine of ₹5,000/-. The petitioner also challenges the aforesaid orders passed by the learned Trial Court.

3. Briefly stated, it is the case of the prosecution that on 21.07.2008, during an inspection by the officials of Food and Supply Department, the petitioner (license holder of a fair price shop) was found to have a number of irregularities in the stock of rice and wheat that had been issued to him. It was alleged that the petitioner violated provisions of Delhi Specified Articles control order 1981 and PDS control order 2001 issued under Section 3 of the Essential Commodities Act, 1955, which led to registration of FIR.

4. Aggrieved by his conviction and sentence being upheld by the learned Appellate Court, the petitioner preferred the present petition. The petitioner's sentence was suspended by this Court on 17.10.2014 after considering that the petitioner had already undergone two months in custody and the petition was not likely to be heard in the near future.

5. On the last date of hearing, the counsel for the petitioner had submitted that the petitioner did not wish to challenge the conviction if the sentence can be modified to period undergone by him.

6. Time was sought to bring forth mitigating circumstances. An affidavit has been filed indicating that the petitioner is 59 years of age and he is responsible for taking care of his wife, who is suffering from cancer. It is mentioned that the petitioner had also suffered a paralysis attack in the year 2023 and his elder brother, who is intellectually disabled since birth, is also being



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taken care of by the petitioner and his family. Certain supporting medical documents have also been placed on record.

7. It is submitted on behalf of the petitioner that a lenient view may be taken in sentencing on account of the aforesaid mitigating circumstances as well as the period already undergone by the petitioner. It is further submitted that the FIR was registered way back in the year 2008, and no purpose would be served by subjecting the petitioner to undergo further incarceration. It is also submitted that the petitioner ran the shop for decades at end and no other complaint was received against him.

8. The State has expressed no objection to commutation of the sentence to the period already undergone by the petitioner.

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

10. At the outset, it is relevant to note that the incident dates back to the year 2008 and the petitioner has been pursuing the matter before various Courts for around seventeen years. Tribulation of pursuing the matter over a prolonged period of time is a relevant factor for commutation of sentence [Ref. ***Ramdas v. State of Madhya Pradesh : (2009) 4 SCC 57***].

11. Even though the majority of the intervening period before this Court was on account of the matter being pending, it cannot be ignored that the petitioner had undergone a fair portion of his sentence (that is, around two months out of eight year) and he appears to have since assimilated in society. As noted above, the petitioner's wife is suffering from cancer and his elder brother has an intellectual disability, which both require his care.



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Moreover, no specific aggravating circumstance against the petitioner was brought forth by the prosecution at the time of sentencing before the Courts below and the present case appears to be the petitioner's sole contravention under the Essential Commodities Act, 1955.

12. It is also apposite to appreciate the reformatory aspect of sentencing is a germane consideration. In the opinion of this Court, after a lapse of more than seventeen years, no purpose will be served by relegating the petitioner to suffer the remaining period in incarceration, especially considering that he is stated to be required for the care of his wife and brother.

13. Considering the aforesaid discussion, 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 in the conviction of the petitioner, his sentence is reduced to the imprisonment already suffered by him.

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

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

AMIT MAHAJAN, J

DECEMBER 19, 2025
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