



2025:DHC:11853



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

% *Date of Decision: December 18th, 2025*

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+ **CRL.REV.P. 643/2014**

SHAFIQ

.....Petitioner

Through: Mr. Md. Farman, Adv.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State

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+ **CRL.REV.P. 668/2014**

ALI HASAN

.....Petitioner

Through: Mr. Md. Farman, Adv.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The present revision petitions are filed challenging the judgment dated 01.09.2014 (hereafter '**impugned judgment**') passed by the learned Appellate Court in Criminal Appeal No. 96/2013.

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2. By the impugned judgment, the learned Appellate Court dismissed the appeal preferred by the petitioners and upheld the judgment of conviction 27.11.2013 and order on sentence dated 29.11.2013 passed by the learned Metropolitan Magistrate ('MM'), Tis Hazari Courts, Delhi in case arising out of FIR No. 485/2001 registered at Police Station Kirti Nagar.

3. By the judgment on conviction dated 27.11.2013, the learned MM convicted the petitioners for the offence under Section 411 of the IPC.

4. By the order on sentence dated 29.11.2013, the learned MM sentenced the petitioners to undergo rigorous imprisonment for a period of one year.

5. Briefly stated, it is the case of the prosecution that on 04.08.2001, a theft took place in the house of the complainant – namely Amarjeet Singh and some items were stolen. It is further the case of the prosecution that some of the stolen items were recovered from the possession of the petitioners.

6. This Court, by separate orders dated 05.12.2014, before suspending the sentence of the petitioners, had noted that out of the sentence of one year, the petitioners had already undergone imprisonment for a period of 5 months 24 days besides remissions earned for a period of 4 days.

7. The learned counsel for the petitioners, at the outset, submits that the petitioners do not wish to press challenge to the impugned judgment and will be satisfied if their sentences are commuted to the period already undergone by them. Affidavits in that regard have also been filed by the petitioners stating that

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their sentence be reduced on account of them having undergone a substantial period of imprisonment.

8. It is submitted that the present FIR was registered way back in the year 2001 and the petitioners have been pursuing the matter for more than two decades.

9. He submits that the petitioners are sole bread earners of their families and submits that a lenient view may be taken. He submits that the petitioners have assimilated in the society and no purpose would be served by subjecting them to undergo the remaining period in custody.

10. The learned Additional Public Prosecutor for the State submits that considering the mitigating circumstances, the State has no objection if the sentence of the petitioners have commuted to the period already undergone by them.

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 year 2001 and the petitioners have been pursuing the matter for almost two and a half decades.

13. It is pertinent to note that Section 411 of the IPC does not prescribe a minimum sentence. As noted above, the petitioners have undergone imprisonment for a period of 5 months 24 days besides remissions earned for a period of 4 days.

14. The petitioners have evidently already undergone a substantial portion of their sentence. The petitioners are also not stated to be involved in any other case apart from the present case.

15. In view of the above, without interfering in the conviction



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of the petitioners, their respective sentence of one year is reduced to the imprisonment already suffered by the petitioners.

16. The bail bonds and sureties furnished by the petitioners shall stand discharged.

17. The present petitions are disposed of in the aforesaid terms.

18. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

DECEMBER 18, 2025

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