



2025:DHC:11591



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

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Date of Decision: December 17, 2025+ **CRL.REV.P. 695/2014**

KHALID

.....Petitioner

Through: Mr. Krishan Kumar and
Mr. Anubhav Kumar,
Advs.

versus

STATE

.....Respondent

Through: Mr. Raj Kumar, APP for
the State with PSI Dheeraj
Gupta and SI Rohit Sagar,
PS Laxmi Nagar.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present revision petition is filed by the petitioner challenging the judgment dated 25.08.2014 (hereafter '**impugned judgment**') passed by the learned Additional Sessions Judge ('**ASJ**'), Karkardooma Courts, Delhi in Criminal Appeal No. 57/2014, whereby, the challenge of the petitioner to order of conviction dated 21.08.2013 and order of sentence dated 22.08.2013 passed by the learned Metropolitan Magistrate ('**MM**') was dismissed.

2. The petitioner, by order of conviction dated 21.08.2013, was convicted for the offences punishable under Sections

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356/379 of the Indian Penal Code, 1860 ('IPC').

3. By order of conviction dated 22.08.2013, the petitioner was sentenced to undergo simple imprisonment for a period of one year along with fine of ₹2,000/- for the offence under Section 379 of the IPC and in default of payment of fine to undergo simple imprisonment for a period of 3 months. The petitioner was also sentenced to undergo simple imprisonment for a period of one year along with fine of ₹1,000/- for the offence under Section 356 of the IPC and in default of payment of fine to undergo simple imprisonment for a period of 2 months. Both the sentences were directed to run concurrently.

4. By the impugned judgment the learned ASJ modified the order of sentence dated 22.08.2013 and directed the petitioner to undergo rigorous imprisonment for the same period as directed by the learned MM.

5. Briefly stated, it is alleged that on 02.07.2002 at around 9:15 a.m., while the complainant was about to enter her house, the petitioner came and snatched her gold chain. It is alleged that the petitioner tried to run away from the spot, however, he was apprehended by public persons and handed over to the police. The same led to registration of the FIR.

6. The learned counsel for the petitioner submits that the petitioner is not challenging his conviction, however, prays that a lenient view may be taken and the quantum of sentence of the petitioner be commuted to the period already undergone.

7. It is also stressed by the learned counsel for the petitioner that a lenient view may be taken considering the fact that the





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incident took place more than two decades back.

8. The petitioner is also present in Court and has shown remorse. He has affirmed that he does not wish to pursue his challenge to the conviction and prays for reduction in the awarded sentence.

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. I have heard the counsel and perused the record.

11. The Hon'ble Apex Court, in the case of ***Ramdas v. State of Madhya Pradesh : (2009) 4 SCC 57***, in a case involving conviction for the offence under Section 324 of the IPC, had commuted the sentence of 3 years to the period already undergone, that is, fifteen months, by factoring in that the appellant therein had been prosecuting the matter before various Courts for over fourteen years.

12. In the case of ***B.G. Goswami v. Delhi Admn. : (1974) 3 SCC 85***, the Hon'ble Apex Court had observed that the reformatory aspect of sentence is given primacy in modern society and reduced the sentence to the period already undergone by the appellant therein. It was observed that sending the appellant to jail after seven years of pursuing the proceedings would cause him to lose his job and undue hardship to his family members. The relevant portion of the judgment is reproduced hereunder:

“10... Now the question of sentence is always a difficult



*question, requiring as it does, proper adjustment and balancing of various considerations which weigh with a judicial mind in determining its appropriate quantum in a given case. **The main purpose of the sentence broadly stated is that the accused must realise that he has committed an act which is not only harmful to the society of which he forms an integral part but is also harmful to his own future, both as an individual and as a member of the society.** Punishment is designed to protect society by deterring potential offenders as also by preventing the guilty party from repeating the offence; it is also designed to reform the offender and reclaim him as a law abiding citizen for the good of the society as a whole. Reformatory, deterrent and punitive aspects of punishment thus play their due part in judicial thinking while determining this question. **In modern civilized societies, however, reformatory aspect is being given somewhat greater importance.** Too lenient as well as too harsh sentence both lose their efficaciousness. One does not deter and the other may frustrate, thereby making the offender a hardened criminal. **In the present case, after weighing the considerations already noticed by us and the fact that to send the appellant back to jail now after seven years of the agony and harassment of these proceedings when he is also going to lose his job and has to earn a living for himself and for his family members and for those dependent on him, we feel that it would meet the ends of justice if we reduce the sentence of imprisonment to that already undergone but increase the sentence of fine from Rs 200 to Rs 400. Period of imprisonment in case of default will remain the same.***

(emphasis supplied)

13. In the present case, it is pertinent to note that the incident dates back to the year 2002. The petitioner was convicted by the learned MM in the year 2013. Thereafter, the appeal filed by the petitioner was disposed of in the year 2014 and the petitioner has been pursuing the present matter since then.

14. This Court by order dated 20.11.2025 directed the petitioner to file an affidavit indicating the mitigating circumstances.

15. The affidavit in compliance of the same has been filed



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indicating that the petitioner belongs to poor strata of society and his family consists of a wife and two minor children.

16. It is pertinent to note that Sections 379/356 of the IPC do not prescribe any minimum sentence. The nominal roll indicates that the petitioner has suffered incarceration for more than 6 months out of the total awarded sentence of one year.

17. The petitioner is not challenging the order of conviction dated 21.08.2023 and has confined his prayer to commuting of sentence for the period already undergone. The offence was committed way back in the year 2002 and the petitioner has already suffered an ordeal of long legal process for more than two decades. Further, the petitioner is the sole earning member of his family and has to take care of his wife and minor children.

18. In view of the above, without interfering with the conviction of the petitioner, the order of sentence dated 22.08.2013 is modified to the imprisonment already suffered by him.

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

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

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

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

AMIT MAHAJAN, J

DECEMBER 17, 2025/ 'KDK'

Signature Not Verified

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