

(2004) 05 DEL CK 0113

Delhi High Court

Case No: Criminal Rev. P. 799 of 2003 and Criminal M.A. 1417 of 2003

Mohd. Shammi

APPELLANT

Vs

State

RESPONDENT

Date of Decision: May 13, 2004

Acts Referred:

- Penal Code, 1860 (IPC) - Section 279, 304A

Citation: (2004) 112 DLT 801 : (2004) 75 DRJ 281

Hon'ble Judges: R.S. Sodhi, J

Bench: Single Bench

Advocate: Ranjit Singh, for the Appellant; Richa Kapoor, for the Respondent

Judgement

R.S. Sodhi, J.

This revision petition is directed against the judgment and order dated 29.8.2003 of the learned Additional Sessions Judge dismissing CrI. A. No. 172/2003 arising out of the order of the learned Metropolitan Magistrate, whereby the learned Magistrate held the petitioner and the co-accused guilty u/s 279/304A IPC and further vide separate order sentenced him to undergo RI for one year for offence u/s 304A IPC and also sentenced him to pay a fine of Rs. 500/- for offence u/s 279 IPC.

2. With the assistance of the learned counsel for the petitioner and learned counsel for the State, I have gone through the record of the case as also the depositions and the judgment under challenge. Learned counsel states that he is not in a position to challenge the order of conviction. I, Therefore, confirm the order of conviction. However, on the question of sentence, it is argued by the learned counsel that the petitioner has already undergone major portion of his sentence and the remaining unexpired portion of sentence of imprisonment as per nominal roll is only 23 days. He submits that the occurrence is of 1996 and the petitioner has already suffered the ordeal of trial for more than seven years and that the petitioner is in judicial custody. He further submits that the petitioner is also not a previous convict and

that no useful purpose would be served in requiring him to undergo the remaining portion of his sentence at this belated stage. Learned counsel for the State has no objection if the sentence of imprisonment of the petitioner is reduced to that already undergone.

3. Having heard learned counsel for the parties and in view of what has been stated by learned counsel for the State, I am of the view that the ends of justice would be met if the sentence of imprisonment of the petitioner is reduced to that already undergone. I order accordingly.

4. With this modification, Crl. Rev. P. 799/2003 is disposed of. Crl. M. A. 1417/2003 also stands disposed of. The petitioner is in judicial custody. He shall be set at liberty forthwith, if not wanted in any other case. This order be communicated to the jail authorities.