

Dhanpal Singh Vs. State

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Court : Delhi

Decided On : Apr-05-2004

Reported in : 2004CriLJ2724; 111(2004)DLT464; 2004(74)DRJ506

Judge : R.S. Sodhi, J.

Acts : Indian Penal Code (IPC) - Sections 279 and 304A

Appeal No. : Criminal Rev.P. 264/2001

Appellant : Dhanpal Singh

Respondent : State

Advocate for Def. : V.K. Malik, Adv.

Advocate for Pet/Ap. : S.D. Singh, Adv

Judgement :

R.S. Sodhi, J.

1. This revision petition is directed against the judgment and order dated 18.04.2001 of the learned Additional Sessions Judge in CrI.A.65/2000, upholding the order of conviction of the learned Additional Chief Metropolitan Magistrate, whereby the learned Magistrate held the petitioner guilty under Section 279/304-A IPC. Vide separate order the ACMM has sentenced him to undergo R.I. for two

years with a fine of Rs.1000/- and in default of payment of fine-2-CRL.REV.P.264/2001 to undergo S.I. for 30 days under Section 304-A IPC and R.I. for six months with a fine of Rs.1000/- and in default of payment of fine to further undergo S.I. for fifteen days under Section 279 IPC. Both the sentences were directed to run concurrently. The Additional Sessions Judge vide the impugned order has modified the sentence of the appellant/petitioner herein to R.I. for six months with a fine of Rs.1000/- and in default of payment of fine to undergo S.I. for thirty days under Section 304-A IPC . The sentence awarded under Section 279 IPC was maintained.

2. With the assistance of learned counsel for the petitioner and learned counsel for the State I have gone through the material on record. Learned counsel for the petitioner submits that he is not in a position to challenge the order of conviction on merit. I, therefore, confirm the order of conviction. However, on the question of sentence, it is argued by learned counsel that the occurrence is of 1991 and the petitioner has already suffered the rigors of trial for 13 years. Besides that he has already undergone incarceration for more than 4 months out of the 6 months. He submits that the petitioner is on bail since 06.08.2001 and that there has been no complaint about his having belied the trust bestowed upon him by this Court. He submits that the petitioner is also not a previous convict and has by now assimilated in the mainstream of the society -3-CRL.REV.P.264/2001 as a useful citizen, therefore, 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 the period 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 the period already undergone. It is ordered accordingly.

4. With this modification, Criminal Revision Petition No.264/2001 is disposed of. The bail bond and the surety shall stand discharged.

