

Mukesh Kumar Vs. State

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SooperKanoon Citation : sooperkanoon.com/694328

Court : Delhi

Decided On : May-13-2004

Reported in : 2004CriLJ3830; 112(2004)DLT49; 2004(75)DRJ787

Judge : R.S. Sodhi, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 279 and 304A

Appeal No. : Crl.Rev. P. 680 and Crl. M.A. 1201 of 2003

Appellant : Mukesh Kumar

Respondent : State

Advocate for Def. : Richa Kapoor, Adv.

Advocate for Pet/Ap. : Sanjeev Kumar, Adv

Judgement :

R.S. Sodhi, J.

1 .This revision petition is directed against the judgment and order dated 29.8.2003 of the learned Additional Sessions Judge dismissing Crl. 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 under Sections 279/304A, IPC and further vide separate order sentenced him to undergo

RI for one year for offence under Section 304A, IPC and also sentenced him to pay a fine of Rs. 500/- for offence under Section 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 the 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. 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 Counsels 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. 680/2003 is disposed of. Crl. M. A. 1201/2003 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.