

Ram Kishan Vs. State

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Court : Delhi

Decided On : Jul-08-2005

Reported in : 121(2005)DLT502; 2005(83)DRJ370

Judge : R.S. Sodhi, J.

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

Appeal No. : Criminal Revision Petition 193/2005 and Crl. Misc. B. 654/2005

Appellant : Ram Kishan

Respondent : State

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

Advocate for Pet/Ap. : Om Prakash, Adv

Judgement :

R.S. Sodhi, J.

1. This revision petition is directed against the judgment dated 16th November, 2004, of the learned Additional Sessions Judge in Crl.A.41/2004, whereby the learned Judge has dismissed the appeal of the Petitioner herein arising out of an order of the learned Metropolitan Magistrate, whereby the learned Magistrate has held the Petitioner guilty under Section 279/304A IPC and sentenced him to

undergo R.I. for one year under Section 304A IPC and further imprisonment for six months under Section 279 IPC.

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 the learned Counsel that the Petitioner has already undergone nearly eight months incarceration and is now in judicial custody. He submits that the occurrence is of 1995 and the Petitioner has already suffered the ordeal of trial for more than ten years. He submits that the Petitioner is also not a previous convict and 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, CrI.Rev.P.193/2005 is disposed of. CrI.Misc.B.654/2005 also stands disposed of. The Petitioner is in judicial custody. He shall be set at liberty forthwith, if not wanted in any other case.

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