

Suresh Kumar Vs. State

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Court : Delhi

Decided On : Jul-28-2005

Reported in : 123(2005)DLT344; 2005(83)DRJ690

Judge : R.S. Sodhi, J.

Appeal No. : CrI. Rev. P. 134/2005

Appellant : Suresh Kumar

Respondent : State

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

Advocate for Pet/Ap. : Maldeep Sidhu, Adv

Judgement :

R.S. Sodhi, J.

1. This revision petition is directed against the judgment of the learned Additional Sessions Judge in Cr. Appeal No. 64/04, whereby the learned Judge has dismissed the appeal, arising out of the judgment and order dated 4.2.2004 and 18.9.2004 respectively passed by the learned Metropolitan Magistrate, New Delhi.

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 she 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 for the Petitioner that the occurrence is of 1991 and the Petitioner has already suffered the rigors of trial for over 14 years. She submits that the Petitioner has undergone more than half of the sentence of imprisonment imposed on him. She further submits that the fine imposed has already been deposited by the Petitioner herein 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 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 No. 134/2005 is disposed of. CrI.M.B.490/2005 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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