

RahisuddIn Vs. State

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Court : Delhi

Decided On : Jan-03-2013

Judge : G.P. Mittal

Appellant : Rahisuddin

Respondent : State

Advocate for Def. : Ms. Rajdipa Behura

Advocate for Pet/Ap. : Mr. Yogesh Kumar, Mr. Islam Khan

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of decision:

3. d January, 2013 + CRL. REV. P. 681/2012 RAHISUDDIN Through:
Petitioner Mr. Yogesh Kumar Adv. with Mr. Islam Khan, Adv. versus STATE
Through: Respondents Ms. Rajdipa Behura, APP for the State. CORAM:
HON'BLE MR. JUSTICE G.P.MITTAL JUDGMENT G. P. MITTAL, J.

(ORAL) CRL. REV. P. 681/2012 and Crl.M (B) 2166/2012 1. The Petitioner was prosecuted prosecution for an offence punishable under Section 341/509/506 IPC arising out of FIR No.910/2006 of Police Station Mehrauli. By an order dated 31.07.2012 he was acquitted of the offence punishable under Section 506 IPC and was convicted for the offence punishable under Section 341 and 509 IPC. The Petitioner was sentenced to pay a fine of `500/- for the offence punishable under Section 341 IPC. He was further sentenced to undergo simple imprisonment for

six months and to pay a fine of `8,000/- for an offence punishable under Section 509 IPC.

2. On Appeal, the learned Additional Sessions Judge (ASJ) while upholding the Petitioners conviction reduced the substantive sentence under Section 509 IPC to three months.

3. The allegations against the Petitioner leading to his prosecution were that on 20.12.2006 while the complainant was proceeding to her school, the Petitioner stopped her and asked her to have friendship with him and threatened to kill her brother and father, if she did not agree to the same. The complainant reported the matter to her father and ultimately the police report was lodged.

4. On instructions from the Petitioner, the learned counsel for the Petitioner states that the Petitioner does not challenge the impugned judgment so far as his conviction for the offence punishable under Section 341/509 IPC is concerned. He simply prays for a lenient view in the matter of awarding sentence. It is stated that the incident took place in the year 2006 i.e. more than six years ago. The Petitioner has the responsibility of his wife, two sons and two daughters. No previous conviction has been alleged against him. He has already remained in custody for one month and 19 days as on 01.01.2013 (which is verified by the nominal roll sent by the Superintendent Jail, Tihar). Petitioner has already earned remission for two days.

5. Taking all the facts and circumstances into consideration, I am of the view that no purpose would be served by keeping the Petitioner in jail for another period of one month and seven days. The sentence of imprisonment of three months is reduced to one month and 21 days, which he has already undergone.

6. The Petitioner is directed to be released forthwith, if not required in any other case.

7. The Petition is allowed in above terms.

8. Pending Application also stands disposed of.

9. Copy of the order be sent to the Superintendent Jail, Tihar, New Delhi. (G.P. MITTAL) JUDGE JANUARY 03 2013 vk

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