

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRIMINAL REVISION PETITION NO. 32 OF 2010

% Date of Decision: 10th February, 2010

GOVIND & ANR. ...Petitioners
! Through: Mr. R.S. Mishra, Advocate

versus

\$ STATE ...Respondent
^ Through: Mr. Sanjay Lau, APP

CORAM:

* **HON'BLE MR. JUSTICE P.K.BHASIN**

1. Whether Reporters of local papers may be allowed to see the Judgment?(No)
2. To be referred to the Reporter or not?(No)
3. Whether the judgment should be reported in the digest?(No)

JUDGMENT

P.K.BHASIN, J:

This revision petition under Sections 397/402 of the Code of Criminal Procedure was filed by the petitioners assailing the correctness of the judgment of conviction dated 04/08/2009 and the order on sentence dated 12/08/2009 passed by the Metropolitan Magistrate whereby the petitioners-accused were convicted under Sections 356/379/34 of the Indian Penal Code and sentenced to undergo RI for three years and fine of Rs.2000/- with default stipulation under Section 379 IPC and RI for two years and fine of

Rs.2000/- under Section 356 IPC and also the judgment dated 04/01/2010 passed by the Court of Additional Sessions Judge dismissing the appeal of the petitioner and affirming the judgment and order of the trial Court.

2. It is to be noted here that after considering the entire evidence the two Courts below have decided the case against the petitioners and the position of law is that the scope of revision by the High Court is very limited. In view of this position of law the counsel for petitioners chose not to press the revision petition so far as the conviction of the petitioners is concerned. The learned counsel, however, prayed for taking a lenient view on the point of sentence submitting that the petitioner no. 1 is a young boy of 20 or 22 years and that the wife of petitioner no. 2 has died on 30/01/2010 and that there is nobody else to take care of his two children.

3. After considering the record of the trial Court, which was requisitioned, to satisfy myself if in fact any irregularity has been committed by the trial Court justifying interference by this Court I have come to the conclusion that there is no illegality or impropriety in the orders of the two courts below. So, on merits the petitioners do not have any case and rightly their counsel has not pressed this petition in respect of the conviction of the two petitioners. Thus, no interference with the order of conviction and its affirmation by the learned Additional Sessions Judge is even otherwise warranted.

4. Now coming to the prayer made by the counsel for the petitioners for reduction in sentence of imprisonment I find that the petitioner Govind @ Sanju is a young boy. He has no previous criminal antecedents. Wife of petitioner no.2 has died during the pendency of this petition. He has also no previous criminal background. At least, nothing was brought to my notice on behalf of the State.

5. Considering all the facts and circumstances, this revision petition is allowed partly by modifying the trial Court's order on sentence dated 12-08-09 to the extent that the substantive sentences of imprisonment in respect of the convictions of the two petitioners on both the counts, i.e. under Sections 356 and 279 IPC, are reduced to six months on each count. However, both the sentences shall run concurrently.

P.K. BHASIN,J

February 10, 2010