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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Reserved on: 17.07.2023

Pronounced on: 31.07.2023

+ **CRL.REV.P. 717/2022 & CRL.M.(BAIL) 1310/2022 &
CRL.M.A.13789/2023**

IBRAHIM

.... Petitioner

Through: Mr. Rashid Khan and Ms.
Nagma, Advocates

versus

STATE

..... Respondent

Through: Mr. Naresh Kumar Chahar,
APP for the State with SI
Kailash, P.S. IP Estate.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

1. The present revision petition under Section 397/401 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed by the



petitioner against judgment dated 01.10.2022 passed by learned Additional Sessions Judge (Central), Tis Hazari Courts, Delhi ('learned ASJ') *vide* which the learned ASJ had dismissed the appeal which was filed by the petitioner against the judgment dated 01.12.2019 and order on sentence dated 06.12.2019 passed by learned Additional Chief Metropolitan Magistrate (Special Acts), Central, Tis Hazari Courts, Delhi ('learned Trial Court') in case arising out of FIR bearing no. 147/2009, registered at Police Station I.P. Estate, Delhi for offences punishable under Sections 279/304A of the Indian Penal Code, 1860 ('IPC').

2. Brief facts of the case are that on 05:09.2009, at about 11:35 PM at Ring road red light near Raj Ghat, the petitioner Ibrahim was found driving a Truck bearing no. HR51F4525 in a rash and negligent manner so as to endanger human life or public safety of others. While driving, he had hit his vehicle against a motorcycle bearing no. DL3SBQ3338, resulting in death of motorcyclist Inzamrnul Haq and pillion rider Soaib. Based on these facts, the present FIR was registered under Sections 279/304A of IPC against the petitioner and after investigation, charge-sheet was filed.

3. The learned Trial Court, *vide* judgment dated 02.12.2019 convicted the petitioner for offences punishable under Section 279/304A of IPC and sentenced him to undergo rigorous imprisonment for six months and to pay fine of Rs.1,000/- for offence punishable under Section 279 of IPC, and in default of payment of fine, to undergo simple imprisonment for one month. Further, he was



sentenced to undergo rigorous imprisonment for 12 months and to pay fine of Rs. 10,000/- for the offence punishable under Section 304A of IPC, and in default of payment of fine, to undergo simple imprisonment for three months. Learned Trial Court also directed the petitioner to further pay compensation of Rs.20,000/- to the LRs of the deceased.

4. Learned counsel for the petitioner, on instructions, states that the petitioner does not propose to assail the impugned judgment on merits and would like to confine the submissions to the point of sentence alone. It is stated that since the incident in the present case is 14 years old, the sentence of the petitioner be reduced to the period already undergone by him.

5. Learned APP for state has argued to the contrary.

6. This Court has heard contentions raised on behalf of both sides and has perused the material on record.

7. In the present case, the incident in question had taken place on 05.09.2009 and petitioner was convicted by the learned Trial Court on 02.12.2019 for offences punishable under Section 279/304A of IPC whereby he was sentenced to a total period of imprisonment of 12 months, along with payment of fine and compensation.

8. As per nominal roll available on record as well as stated by learned counsel for petitioner and the investigating officer before this Court, there is no previous involvement of the petitioner in any other case. The overall jail conduct of the petitioner is reported to be satisfactory. It is also stated that the petitioner had not misused the



liberty of bail granted to him either during the period of trial or during the pendency of his appeal against conviction. The investigating officer also states that the petitioner is not involved in any other criminal case.

9. As on date, the petitioner has remained in judicial custody for about 10 months as per the nominal roll. The offence pertains to the year 2009, and the petitioner has already faced the trial for almost 14 years. Considering the overall facts and circumstances of the case, this Court is of the opinion that no useful purpose will be served by requiring the petitioner to undergo the remaining portion of sentence at this belated stage, when the petitioner has faced trial for almost 14 years.

10. Thus, in view of the aforementioned circumstances, this Court, though not interfering with the conviction of the petitioner, reduces the sentence of imprisonment to the period already undergone by the appellant. However, the records reveal that the petitioner has not deposited the amount of fine as well as compensation imposed upon him by the learned Trial Court *vide* order on sentence dated 06.12.2019. In these circumstances, it is directed that petitioner shall deposit the same with the learned Trial Court within a period of 15 days.

11. Subject to the aforesaid direction, the present petition stands disposed of along with pending applications.

12. Bail bond stands cancelled and the surety stands discharged.



13. A copy of this judgment be forwarded to the learned Trial Court and concerned Jail Superintendent for necessary information.
14. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 31, 2023/kss



स्वराना कन्ता शर्मा