



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3504-2013
DATE OF DECISION: 29.07.2024

Sat Narain.....Petitioner

VERSUS

State of Punjab.....Respondent

CORAM HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present Mr. Akash Manocha and Mr. Vishwjeet Singh,
Advocates, for the petitioner.

Mr.Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J (ORAL)

1. This revision has been preferred against the judgment dated 22.10.2013 passed by learned Additional Sessions Judge, Fazilka vide which judgment of conviction and order of quantum of sentence dated 10.04.2012 passed by learned SDJM, Abohar in FIR No.33 dated 03.03.2008 under Sections 354, 294 read with Section 34 IPC, registered at Police Station Khuian Sarwar, has been upheld. The petitioner was sentenced as under:

Offence	Sentence
Section 354 IPC	RI for a period of one year and to pay fine of Rs.1,000/- and in default of payment of fine to further undergo RI for a period of one month
Section 341 IPC	RI for a period of one month and to pay Rs.500/- as fine and in default of payment of fine, to further undergo RI for a period of 15 days.

Fine was paid and both the sentences were ordered to run concurrently.



2. Allegations as per FIR are that on 03.03.2008, ASI alongwith other police officials was present at bus stand village Kallar Khera, where informant Kiran Bala accompanied by her grandfather Hanuman came to him and got her statement recorded informing that she is studying in 11th standard in Guru Nanak School, Ganganagar (Rajasthan). On 08.01.2008, at about 07:00 pm she was returning to her house on bicycle after fetching milk from the house of her paternal uncle Subhash and when she reached near the house of Sheo Karan son of Kahna Ram of their village, Sat Narain @ Sadhu son of Sahib Ram came there and made to stop her, catch hold of her arm, uttered words against her reputation, used obscene language and started doing bad activities. She raised raula then her grandfather Rai sahib son of Manphool came there and raised lakara consequently accused ran away after leaving her arm. At that time, a bulb was emitting. Till date they have been awaiting for compromise at the instance of the panchayat but she could not get justice. The informant further informed that prior to this incident accused also did such activities once or twice accordingly informant has prayed for taking action.

3. The petitioner was convicted vide judgement dated 10.04.2012 by the learned trial Court which has also been upheld by lower appellate court vide judgment dated 22.10.2013.

4. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 22.10.2013 on merits and restricts his prayer to modification of the order of quantum of sentence to that of the sentence already undergone by the petitioner as has already undergone a period of four months and thirteen days and is not involved in any other criminal activity.

5. Per contra, learned State counsel opposes the prayer of the petitioner as the learned trial Court has passed a well-reasoned judgment based on correct



appreciation of evidence available on record which has also been upheld by the learned lower Appellant Court and as such, he does not deserve any leniency.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. In Deo Narain Mandal v. State of UP (2004) 7 SCC 257, a three Judge bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient. Further, a two Judge Bench of the Hon'ble Supreme Court in Ravada Sasikala v. State of AP AIR 2017 SC 1166, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.



8. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua quantum of sentence.

9. The FIR in the present case was lodged on 03.03.2008 and the petitioner has been suffering the agony of trial since the last more than 16 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life. As per his custody certificate, he is not involved in any other case and has undergone actual sentence of four months and thirteen days out of total sentence of one year in the instant case.

10. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

11. Consequently, the present petition is disposed of in the following terms:-

(i) The judgment dated 22.10.2013 passed by learned Additional Sessions Judge, Fazilka affirming the judgment of conviction is upheld, however, the order of sentence dated 10.04.2012 is modified to the extent that the sentence of rigorous imprisonment for one year along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

(ii) The sentence of fine of an amount of Rs.1,000/- imposed upon the petitioner by the trial Court is increased to Rs.5,000/-. The petitioner is directed to deposit the amount of fine in the trial Court within one month from the date of receipt of certified copy of this order and in case of de-

fault of payment of fine, the petitioner shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month.

12. Pending miscellaneous application(s), if any, shall also stand disposed.

29.07.2024
mamta

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No