

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:099347



203

CRR-2900-2010 (O&M)

Date of Decision: 20.07.2026.

Shiv Kumar and others

...Petitioners.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

Mr. Navdeep Singh, DAG, Punjab.

SUKHVINDER KAUR, J.

1. By way of this revision petition, the petitioners have challenged the judgment dated 12.10.2010 passed by learned Additional Sessions Judge (Adhoc), Fast Track Court, Amritsar, whereby the appeal filed by the petitioners, challenging the judgment of conviction and order of sentence dated 28.10.2006 passed by learned Judicial Magistrate Ist Class, Amritsar, in case FIR No.68 of 1993, under Sections 406 and 420 of IPC, registered at Police Station Sadar, Amritsar, was dismissed.

2. The present case was registered on the basis of an application received by police on 29.09.1993 alleging therein that accused Ram Saran Dass (since deceased), Vijay Kumar and Shiv Kumar were advanced a loan of Rs.15,13,000/- by complainant Punjab Financial Corporation for

purchase of machinery under the name and style of M/s R.S. Shiv Kumar, Batala Road, Amritsar, under the deed of hypothecation dated 20.12.1998 and terms and conditions of the said deed were that the borrower shall not sell, transfer or otherwise part with or remove from the said factory premises plant and machinery as the case may be along with its ancillaries and accessories without the previous permission in writing of the corporation. Thereafter, inspection was carried out by the District Manager of the complainant corporation along with other officers and it was revealed that the accused had removed certain machinery i.e. Dyeing Mangle, Dyeing Higgers, vital parts of the boiler, dyeing in range, sewing machine, electric motors of 10 HP, 7.5 Hp and 2 HP, dyeing rolls, stanter 3 chamber. Besides that certain items of the machinery were not purchased despite the fact that loan for the same had been granted by the company. It was alleged that the accused had dishonestly misappropriated and disposed of the machinery in violation of the terms and conditions of the hypothecation deed. Accordingly, the present FIR was registered. Upon trial, vide judgment of conviction and order of sentence dated 28.10.2006 passed by learned Judicial Magistrate Ist Class, Amritsar, the petitioners were convicted and sentenced as under:-

Under Section	Sentence
420 IPC	R.I. for a period two years along with fine of Rs.1,000/- each and in default of payment of fine to further undergo R.I. for a period of one month each.

3. Aggrieved against the same, the petitioners preferred appeal before the learned Additional Sessions Judge, (Adhoc), Fast Track Court, Amritsar and vide judgment dated 12.10.2010 the learned Appellate Court took the lenient view, keeping in view the age and antecedents of the

convicts and observed that the sentence awarded by learned trial Court under Section 420 IPC was on the higher side and reduced the same from two years to one year.

4. At the very outset, learned counsel for the petitioners has submitted that the judgment of conviction of the petitioners is not being assailed on merit and he restricts his prayer for modification of order on quantum of sentence.

5. Per contra, learned counsel for the state submitted that the well reasoned judgment has been passed by both the Courts below based on correct appreciation of the evidence available on record and the petitioners do not deserve any leniency.

6. Learned counsel for the parties have been heard and the record has been meticulously examined with their able assistance.

7. Since the revisionists/ petitioners have not challenged the judgment of conviction on merits, as such the said issues are not being gone into at this stage and the prayer is restricted to the issue pertaining to sentencing and quantum of punishment.

8. The Hon'ble Supreme Court in **Pramod Kumar Mishra Vs. State of UP (2023) 9 SCC 810**, observed that punishment must not be viewed as an act of vengeance but as a means of reformation and reintegration of the offender into society. It was further held that an appropriate sentence must be determined by considering a range of factors, including the nature and circumstances of the offence, the offender's background, age, mental and emotional condition, potential for rehabilitation, prior criminal record, and the deterrent needs of the community. Sentencing, the Court noted, involves a delicate exercise of

judicial discretion where multiple social, psychological, and moral factors must be balanced to ensure that justice serves both societal protection and individual redemption.

9. Hon'ble Supreme Court again reiterated in **Ravada Sasikala v. State of AP reported as AIR 2017 SC 1166**, that 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. In order to determine the quantum of sentence, Courts should bear in mind the principle of proportionality as awarding punishment is not merely retributive but also reformatory.

10. The perusal of impugned judgment reveals that there is no perversity and evidence on record has been appreciated in the right perspective, but as observed above, the counsel for the petitioner has not challenged the conviction on substantive grounds while limiting his plea solely to modification of the quantum of sentence to one already undergone.

11. Learned counsel for the State has verified the fact that petitioner No.1 Shiv Kumar had expired on 16.05.2025 and petitioner No.2 Vijay Kumar had expired on 15.05.2022. Copy of death certificates of petitioners Shiv Kumar and Vijay Kumar have been taken on the record.

12. In view of above, the present revision petition qua petitioners, namely, Shiv and Vijay Kumar stand abated.

13. Learned State counsel has produced the custody certificate of

petitioner-Rajinder Kumar, as per which the petitioner has already undergone custody of 01 month and 17 days out of awarded substantive sentence of 01 year.

14. Taking into consideration the facts noticed above that the petitioner has faced the rigors of a long criminal prosecution and he is an old man of 74 years, so in the facts and circumstances of the present case it would be in the interest of justice, if sentence awarded to the petitioner is reduced to the period already undergone by him.

15. Therefore, in view of the discussion above, the present revision is disposed of in the following terms:-

(i) The judgment dated 12.10.2010 passed by the learned Additional Sessions Judge, Fast Track Court, Amritsar and judgment of conviction and order of sentence dated 28.10.2006 passed by learned Judicial Magistrate Ist Class, Amritsar are upheld with modification to the extent that the sentence of petitioner-Rajinder Kumar is reduced to the period of sentence already undergone by him.

16. The concerned jail authorities are directed to release the petitioner immediately, if not required in any other case.

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

18. Registry is directed to do the needful.

(SUKHVINDER KAUR)
JUDGE

20.07.2026.

Komal

Whether speaking/reasoned? : Yes/ No
Whether reportable? : Yes/ No