

CRA-S-3407 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-S-3407 of 2015 (O&M)

Date of decision: 07.08.2015

Jeet Ram

....Appellant

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. T.P. Singh, Advocate, for the appellant.

PARAMJEET SINGH, J.

Challenge in the present appeal is to the judgment of conviction and order of sentence dated 08.07.2015 passed by learned Sessions Judge, Shaheed Bhagat Singh Nagar, whereby appellant has been held guilty and sentence to undergo rigorous imprisonment for three years and to pay fine of ₹ 10,000/- for the commission of offence punishable under Section 306 IPC, in default of payment of fine to further undergo rigorous imprisonment for three months, in a case arising from FIR No.112 dated 25.09.2011 registered under Sections 306/120 IPC at Police Station City S.B.S. Nagar.

Notice of motion.

On the asking of the Court, Mr. D.S. Mann, AAG, Punjab, present in Court, accepts notice on behalf of the State.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the Court below

CRA-S-3407 of 2015

and in view of the ultimate prayer of the appellant seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the appellant states that he is not pressing this appeal on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the appellant be suitably reduced as this criminal trial is hanging on his head like damocle's sword for about four years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the appellant has further submitted that the FIR pertains to the year 2011 and since then a period of about four years has elapsed. Learned counsel for the appellant further submits that appellant remained in custody throughout trial and has undergone sentence for about two years and seven months. The appellant has suffered the ordeal for a sufficient long period. The appellant is young person and now has reformed.

Learned counsel for the State has vehemently opposed the reduction in sentence.

Ancient penological approach was custodial measure to curb crime. But in modern days, penological approach should be balanced keeping in view the needs of the community and interests of the accused: such as compensation to the victims, release on admonition, probation etc. These are being adopted to reform the criminal convicts. The object

CRA-S-3407 of 2015

of criminal justice system is to reform the offenders and to make them see and follow the right path. Otherwise also jails are often overcrowded.

In view of the arguments advanced by learned counsel for the appellant, which have been noted above, and the fact that appellant has already undergone sentence for about two years and seven months out of total sentence of three years, this Court is of the view that no useful purpose will be served by keeping the appellant behind the bars further as the appellant faced ordeal for a long period. It is a fit case wherein sentence awarded to the petitioner can be reduced. Therefore, sentence of the petitioner is reduced to two years and seven months. The impugned judgment of conviction and order of sentence, including fine and default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine is not deposited, the appellant will serve the remaining part of sentence.

With the observations made above, present appeal is disposed of with a direction that the appellant be released immediately, if not required in any other case, on completion of now reduced sentence of two years and seven months, subject to payment of fine.

(Paramjeet Singh)
Judge

August 07, 2015
R.S.