

Crl. Revision No.1050 of 2015

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

Crl. Revision No.1050 of 2015 (O&M)
Date of decision: 09.07.2015

Manpreet Kaur

....Petitioner

Versus

Minak Dhir and another

....Respondents

Crl. Revision No.1042 of 2015 (O&M)

Manpreet Kaur

....Petitioner

Versus

Minak Dhir and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. Vivek K. Thakur, Advocate, for the petitioner(s).
Mr. Vikasdeep Singh, Advocate, for respondent No.1.
Mr. K.S. Sidhu, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

Crl. Misc. Nos.9618 & 9566 of 2015

After hearing learned counsel for the parties and for the reasons mentioned in Crl. Misc. applications, same are allowed. Delay of 208 in filing the revision petitions is condoned.

CRR Nos.1050 & 1042 of 2015

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Custody certificate, filed in Court today, is taken on record.

This order shall dispose of CRR Nos.1050 & 1042 of 2015 titled 'Manpreet Kaur v. Minak Dhir and another' as challenge in both the revision petitions is to the judgment dated 26.05.2014 passed by learned Additional Sessions Judge, Kapurthala, and the judgment of conviction and order of sentence dated 27.11.2013 passed by learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, whereby petitioner has been sentenced to undergo rigorous imprisonment for one year and six months and to pay fine of Rs.100/- for the offence punishable under Section 138 of the Negotiable Instruments Act, in default of payment of fine to further undergo rigorous imprisonment for one day.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgments of the Courts below and in view of the ultimate prayer of the petitioners seeking reduction in sentence.

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

Learned counsel for the petitioner states that he is not pressing this revision 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 petitioner be suitably reduced as this criminal trial is hanging on her head like damocle's sword for about 4½ years and it should be a sufficient mitigating circumstance to treat them leniently. Learned counsel for the petitioner has further submitted that the

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complaint pertains to the year 2011 and since then a period of about 4½ years has elapsed. The petitioner has suffered the ordeal for long period.

Learned counsel for the State and complainant 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 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 petitioner, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the petitioner behind the bars further as the petitioner faced ordeal for a long period. Petitioner is a lady and out of the sentence awarded, she has undergone almost the entire sentence i.e. one year and three months. It is a fit case wherein sentence awarded to the petitioner can be reduced to already undergone. Ordered accordingly. The impugned judgments of conviction and orders of sentence and, including default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine is not deposited, the petitioner will serve the remaining part of sentence.

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With the observations made above, both the revision petitions are disposed of with a direction that the petitioner be released immediately, if not required in any other case.

(Paramjeet Singh)
Judge

July 09, 2015
R.S.