

CRR-1284-2015

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

**CRR-1284-2015 (O & M)
Date of Decision: 18.05.2015**

Dalli @ Khalid and another

... Petitioners (s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Sunil Panwar, Advocate,
for the petitioners.

Mr. Rajesh Gaur, Addl. A. G. Haryana.

Paramjeet Singh, J. (Oral)

Custody certificates of the petitioners, filed in Court today,
are taken on record.

Present criminal revision has been preferred by the
petitioners against judgment dated 27.02.2015 passed by learned
Additional Sessions Judge, Mewat whereby appeal preferred by the
petitioners has been dismissed and judgment of conviction dated
29.05.2013 and order of sentence dated 01.06.2013 passed by learned
Judicial Magistrate Ist Class, Ferozepur Jhirka, have been upheld and the

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petitioners have been sentenced as under:

<i>Sr. No.</i>	<i>U/S</i>	<i>Sentence</i>
1	323 IPC	Rigorous imprisonment for a period of six months each and pay a fine of Rs.500/- each.
2	326 IPC	Rigorous imprisonment for a period of one year each and to pay a fine of Rs.2,000/- each.

Both the sentences have been ordered to run concurrently.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned 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 petitioners 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 petitioners be suitably reduced as this criminal trial is hanging on their heads like damocle's sword for more than seven years and it should be a sufficient mitigating circumstance to treat them leniently. Learned counsel for the petitioners has further submitted that the FIR pertains to the year 2008 and since then a period of more than seven years has elapsed. The petitioners have suffered the ordeal for long period. Learned counsel for the petitioners further submits that petitioner No.2 is a lady and having a minor child. The petitioners are sole bread

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earners of their families and are earning their livelihood by working as labourers. Petitioner No.1 has already undergone the sentence more than four months and petitioner No.2 has already undergone the sentence more than three months.

Learned counsel for the State vehemently opposes the reduction in sentence.

I have considered the contentions raised by learned counsel for the parties.

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 petitioners, which have been noted above, this Court is of the view that it is a fit case wherein sentence awarded to the petitioners can be reduced. Accordingly, the sentence awarded to petitioner No.1 is reduced to nine months and the sentence awarded to petitioner No.2 is reduced to already undergone. Petitioner No.2, who is stated to be in judicial custody, shall be released forthwith, if not required in any other

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case. Petitioner No.1 be released on completion of nine months of sentence, if not required in any other case. The impugned judgments and order of sentence, including default clause, stand affirmed with aforesaid modification. It goes without saying that if the amount of fine is not deposited, the petitioners will serve the remaining part of sentence.

With the above observations/modification of impugned order, present revision petition is disposed of.

18.05.2015
parveen kumar

(Paramjeet Singh)
Judge