

Crl. Revision No.1550 of 2015

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

Crl. Revision No.1550 of 2015 (O&M)

Date of decision: 26.05.2015

Sukhmander Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. Achin Gupta, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

Mr. A.S. Brar, Advocate, for the complainant.

PARAMJEET SINGH, J. (ORAL)

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

Challenge in the present criminal revision is to the judgment dated 01.04.2015 passed by learned Additional Sessions Judge, Moga, as well as the judgment of conviction and order of sentence dated 26.03.2014 passed by learned Judicial Magistrate First Class, Moga, whereby petitioner has been sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.2,000/- for commission of offence punishable under Section 420 IPC, in default of payment of fine to further undergo rigorous imprisonment for a period of three months.

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

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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 his heads like damocle's sword for about eight years and it should be a sufficient mitigating circumstance to treat them leniently. Learned counsel for the petitioner has further submitted that the FIR pertains to the year 2007 and since then a period of about eight years has elapsed. The petitioner has suffered the ordeal for long period. The petitioner is a young person and now has reformed. Learned counsel for the petitioner further submits that with the intervention of the respectables matter has been settled amicably between the parties. Learned counsel for the complainant has placed on record the affidavit of wife of the complainant with regard to compromise between the parties and stated that she has no objection if the sentence of the petitioner is reduced.

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

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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 and compromise between the parties, 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. As per custody certificate, petitioner has already undergone sentence for one month and nineteen days. 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.

With the observations made above, present revision petition is disposed of with a direction that the petitioner be released immediately, if not required in any other case and his sentence shall be treated reduced upto his actual release.

(Paramjeet Singh)
Judge

May 26, 2015
R.S.