

CRR- 1764-2015

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

**CRR- 1764-2015 (O & M)
Date of Decision: 06.08.2015**

Mangat Ram

... Petitioner (s)

Versus

State of Punjab

... 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. Vivek Goel, Advocate,
for the petitioner.

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

Paramjeet Singh, J. (Oral)

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

Present criminal revision has been preferred by the petitioner against judgment dated 05.02.2015 passed by learned Sessions Judge, Moga whereby appeal preferred by the petitioner has been dismissed and judgment of conviction and order of sentence dated 04.04.2012 passed by learned Judicial Magistrate Ist Class, Moga have been upheld and the petitioner has been sentenced as under:

<i>U/S</i>	<i>Sentence</i>
<i>304-A IPC</i>	<i>Rigorous imprisonment for two years and fine of ` 2000/-, in default of payment of fine, to undergo simple imprisonment for 15 days.</i>

CRR- 1764-2015

<i>U/S</i>	<i>Sentence</i>
<i>279 IPC</i>	<i>Rigorous imprisonment for six months and fine of Rs.1,000/-, in default of payment of fine, to undergo simple imprisonment for 15 days.</i>
<i>337 IPC</i>	<i>Rigorous imprisonment for six months and fine of Rs.5,00/-, in default of payment of fine, to undergo simple imprisonment for 15 days.</i>
<i>338 IPC</i>	<i>Rigorous imprisonment for two years and fine of Rs.1,000/-, in default of payment of fine, to undergo simple imprisonment for 15 days.</i>

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 petitioner seeking reduction in sentence.

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

Learned counsel appearing 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 sentence of the petitioner be suitably reduced as this criminal trial is hanging on his head like damocle's sword for about 11 years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the petitioner has further submitted that the FIR pertains to the year 2004 and since then a period of about 11 years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further submit that the petitioner is a first offender and is physically challenged person suffering from 40%

CRR- 1764-2015

disability. The petitioner has already undergone the actual sentence for more than six 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 of learned counsel for the petitioner including the fact that the petitioner is a physically challenged person suffering from 40% disability, this Court is of the view that it is a fit case wherein sentence awarded to the petitioner can be reduced. Accordingly, the sentence awarded to petitioner is reduced to nine months. The petitioner 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 petitioner will serve the remaining part of sentence.

CRR- 1764-2015

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

06.08.2015
parveen kumar

(Paramjeet Singh)
Judge