

CRR-1851-2015

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

CRR-1851-2015 (O & M)

Date of Decision: 27.07.2015

Darshan Singh alias Debu

... 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. Varun Garg, Advocate,
for the petitioner.

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

Paramjeet Singh, J. (Oral)

CRM-23334-2015

Allowed, as prayed for. Annexure P-4 is taken on record.

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

Present criminal revision has been preferred by the petitioner against judgment dated 25.03.2015 passed by the Additional Sessions Judge, Sangrur whereby appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 29.10.2013 passed by the Sub Divisional Judicial Magistrate, Malerkotla, has been partially allowed and sentence awarded to the

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petitioner has been reduced from one year to nine months for the offences punishable under Sections 411 and 474 of the Indian Penal Code.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgments of 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 more than six and half 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 2008 and since then a period of more than six and half years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further submits that the petitioner has already undergone the imprisonment 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.

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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 bars as the petitioner has already faced ordeal for more than six and half years and he has undergone the imprisonment for more than six months. It is a fit case wherein sentence awarded to the petitioner can be reduced to already undergone. Ordered accordingly. The impugned judgment of sentence and order of conviction stand affirmed with aforesaid modification. The appellant, who is stated to be in custody, be released forthwith, if not required in any other case. It goes without saying that the amount of fine, if any, is not paid, the petitioner will undergo the default imprisonment in lieu thereof.

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

27.07.2015
parveen kumar

(Paramjeet Singh)
Judge