

In the High Court of Punjab and Haryana at Chandigarh

CRR No. 2925 of 2014 (O&M)

Date of Decision: July 20, 2015

Swaran Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

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

Paramjeet Singh, J.

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

Present criminal revision has been preferred by the petitioner against judgment of conviction and order of sentence dated 20.02.2013 passed by learned Judicial Magistrate Ist Class, Bathinda, whereby the petitioner has been convicted for the offence punishable under Sections 279 and 304-A IPC and sentenced to undergo RI for a period of one year and to pay a fine of Rs.500/- for commission of offence punishable under Section 304A IPC. and to undergo RI for a period of six months and to pay a fine of Rs.500/- for commission of offence punishable under Section 279 IPC. In default, to further undergo SI for one month. Against that judgment of conviction and order of sentence, the petitioner preferred an

appeal. In appeal, the judgment has been affirmed except for modification of sentence from one year to nine months under Section 304-A IPC by the learned Additional Sessions Judge (Fast Track Court), Bathinda, vide judgment dated 11.06.2014.

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 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 head like damocle's sword for about seven 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 about seven years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further submits that the petitioner is first offender. The petitioner was released from the jail on 10.01.2015 after completion of sentence.

As per custody certificate, the petitioner has already

undergone the sentence of nine months and has been released on 10.01.2015.

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. In fact, 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 it is a fit case wherein the sentence awarded to the petitioner can be reduced to the period already undergone. Therefore, the sentence awarded to the petitioner is reduced to the period already undergone. The impugned judgments of conviction and orders of sentence including default clause, stand affirmed with aforesaid modification.

With the observations made above, the instant revision petition is disposed of.

July 20, 2015
vkd

[Paramjeet Singh]
Judge