

Crl. Revision No.3432 of 2014

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

Crl. Revision No.3432 of 2014 (O&M)

Date of decision: 09.07.2015

Iqbal Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. Paramjit Singh Brar, Advocate, for the petitioner.

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

PARAMJEET SINGH, J. (ORAL)

Challenge in this revision petition is to the judgment dated 02.09.2014 passed by learned Sessions Judge, Faridkot, and the judgment of conviction and order of sentence dated 02.04.2013 passed by learned Chief Judicial Magistrate, Faridkot, whereby petitioner has been sentenced and convicted as under: -

<i>“U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
<i>279 IPC</i>	<i>Six months & ₹ 1,000/-</i>	<i>1 month S.I.</i>
<i>304-A IPC</i>	<i>Two years & ₹ 5,000/-</i>	<i>3 months S.I.</i>
<i>337 IPC</i>	<i>Six months & ₹ 500/-</i>	<i>15 days S.I.”</i>

All 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 judgments of the Courts

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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 more than five 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 2009 and since then a period of more than five years has elapsed. The petitioner has suffered the ordeal for long period. Petitioner has also effected compromise with the complainant and his relatives and their affidavits are on record. The learned counsel has also contended that LR's have been suitably compensated.

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

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

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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 the bars further as the petitioner faced ordeal for a long period. The petitioner has undergone sentence for about nine months and compromise has also been effected. 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.

(Paramjeet Singh)
Judge

July 09, 2015
R.S.