

CRR-478-2014

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

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Date of Decision: 10.07.2015

Surinder Kumar alias Shindri

... 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. Sanjeev Kumar, Advocate for
Mr. Munishi Puri, 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 15.11.2013 passed by learned Additional Sessions Judge, Pathankot whereby appeal preferred by the petitioner has been dismissed and judgment of conviction and order of sentence dated 13.06.2013 passed by learned Principal Magistrate, Juvenile Justice Board, Pathankot have been upheld; the petitioner has

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been convicted under Sections 376, 342 and 506 of the Indian Penal Code and sentenced as under:

“As per Section 15 sub clause (g) of Juvenile Justice (Care & Protection of Children) Act, 2000. Juvenile in conflict with law, Surinder Kumar is directed to be sent to Special Home for a period of three years.

The period of sentence, if any, undergone by the Juvenile in conflict with law be set off against the substantial period of sentence.”

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 about three 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 2012 and since then a period of approximately three years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further submits that the petitioner was juvenile at the time of offence and he has

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undergone the maximum sentence and only sentence of 15 days out of 3 years remains.

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 advanced by learned counsel for the petitioner, which have been noted above, this Court is of the view that since the petitioner was juvenile at the time of occurrence, no useful purpose will be served by keeping the petitioner in Special Home as the petitioner has faced ordeal for about three years and he has undergone almost all the sentence. 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

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in Special Home, be released forthwith, if not required in any other case.

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

10.07.2015
parveen kumar

(Paramjeet Singh)
Judge