

Crl. Revision No.703 of 2015

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

Crl. Revision No.703 of 2015 (O&M)

Date of decision: 14.05.2015

Sukhwant Singh @ Sukha

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. Inderjit Sharma, Advocate, for the petitioner.

Mr. S.S. Chandumajra, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

Present criminal revision has been preferred by the petitioner against judgment dated 02.01.2015 passed by the learned Additional Sessions Judge, Bathinda, whereby an appeal preferred by the petitioner has been dismissed with modification in the judgment of conviction and order of sentence dated 04.02.2013 passed by the learned Judicial Magistrate Ist Class, Bathinda and petitioner has been sentenced as under:

<i>“U/s</i>	<i>Imprisonment & fine</i>	<i>In default</i>
<i>326 r/w 34 IPC</i>	<i>R.I. for 1½ yrs & ₹ 1000/-</i>	<i>2 months S.I.</i>
<i>324 r/w 34 IPC</i>	<i>R.I. for 1 yr. & ₹ 500/-</i>	<i>2 months S.I.”</i>

Both 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 judgment of the learned

Crl. Revision No.703 of 2015

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 no injury has been attributed to the petitioner. The petitioner is a young person and now has reformed.

Learned counsel for the State vehemently opposed 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

Crl. Revision No.703 of 2015

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 it is a fit case wherein sentence awarded to the petitioner can be reduced. Accordingly, the sentence awarded to the petitioner is reduced to six months. Petitioner be released on completion of six 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.

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

(Paramjeet Singh)
Judge

May 14, 2015
R.S.