

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-2893-2019 (O&M)

Date of Decision:- 26.10.2021

Jyoti Bala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S.Bhalla, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court assailing judgment dated 11.10.2019 passed by learned Additional Sessions Judge, Ludhiana, whereby an appeal filed by the petitioner against judgment dated 14.3.2016 passed by learned Judicial Magistrate 1st Class, Jagraon, has been dismissed and conviction of the petitioner for offences punishable under Sections 409 and 420 IPC has been upheld.
2. Learned Judicial Magistrate 1st Class, Jagraon, while convicting the petitioner for offences under Sections 409 and 420 IPC, sentenced the petitioner to undergo the following imprisonment:

Offence under Section	Sentence awarded	Fine imposed
409 IPC	Rigorous imprisonment for three years	₹3000/- in default of payment of fine simple imprisonment for one month
420 IPC	Rigorous imprisonment for three years	₹3000/- in default of payment of fine simple imprisonment for one month

3. Learned counsel for the petitioner has submitted that he does not assail the findings as regards conviction, but has submitted that the sentence as imposed by the trial Court and as affirmed by the Court of learned Additional Sessions Judge, Ludhiana is incommensurate with the offences in question particularly keeping in view the fact that the petitioner is a lady and is a first offender.
4. I have considered the aforesaid submission and have also perused the judgments dated 11.10.2019 and 14.3.2016 passed by learned Additional Sessions Judge, Ludhiana and Judicial Magistrate 1st Class, Jagraon. Upon perusal of the judgments in question, this Court finds that the trial Court as well as the Court of learned Additional Sessions Judge has marshalled the evidence painstakingly and there is no misreading of evidence of any type and the findings as regards the guilt of the petitioner have been correctly recorded and do not warrant any interference. Consequently, the findings as regards the conviction of the petitioner for offences under Sections 409 and 420 IPC are hereby upheld.

5. However, as far as the substantive sentence of imprisonment is concerned, this Court finds that there is some room for reduction of the same particularly keeping in view the fact that the petitioner is a lady aged about 40 years and is stated to be unmarried and is not even involved in any other case. The petitioner who has been sentenced to undergo rigorous imprisonment for 3 years for offence under Section 409 IPC and also for 3 years rigorous imprisonment in respect of offence under Section 420 IPC, though both the sentences have been ordered to run concurrently, has already undergone an actual sentence of more than 1 year and 6 months apart from having earned remissions to the tune of about 2 months making the total undergone period as 1 year and 8 months. Keeping in view the fact that the petitioner is an unmarried lady and is a first offender, the sentence as imposed by the trial Court and as upheld by the Court of learned Additional Sessions Judge, Ludhiana, is reduced from 3 years to the one already undergone in respect of both the offences. The fine shall however, remain unaltered.
6. The revision petition stands disposed of accordingly with the aforesaid modification in sentence, as indicated above.

26.10.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No