

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

305

CRR-1209-2007

Date of decision: 28.11.2023

Jagat Ram and others

.....Petitioners

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahul Vats, Advocate
for the petitioners.

Ms. Jasleen Chahal, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners have filed the instant revision petition to impugn the order dated 07.07.2007 passed by learned Additional Sessions Judge, Kaithal whereby the appeal preferred by them against the judgment of conviction 03.12.2005 and order of sentence dated 08.12.2005 passed by learned Chief Judicial Magistrate, Kaithal, was partly allowed. Vide judgment of conviction dated 03.12.2005 and order of sentence dated 08.12.2005, learned Chief Judicial Magistrate, Kaithal, convicted and sentenced the petitioners as under:-

Offence(s) u/s	Period of sentence(s)	Fine imposed	Period of sentence in default of payment of fine
323 of the IPC	SI for 06 months	₹500/- each	SI for 01 month
326 of the IPC	SI for 03 years	₹1,000/- each	SI for 06 months

Both the sentences were ordered to be run concurrently.

2. Learned counsel for the petitioners has at the outset fairly

submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the quantum of sentence only. Learned counsel submits that the occurrence in question pertains to the year 1995 and the petitioners have thus, suffered the agony of a protracted trial for more than 28 years. Learned counsel further submits that the petitioners have been leading a disciplined life ever since then and have not been involved in any other criminal case. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioners by the Trial Court be reduced to the period already undergone as no useful purpose would be served by sending the petitioners behind bars.

3. Learned State counsel while opposing the prayer made by counsel opposite submits that in the occurrence in question, the complainant sustained grievous injuries, hence, the petitioners did not deserve any leniency. A prayer, therefore, has been made for dismissal of the appeal.

4. Heard learned counsel for the parties and perused the impugned judgments passed by the Courts below. This Court does not find any illegality much less perversity in the concurrent findings recorded by both the Courts below which deserve to be upheld.

5. Coming to the prayer of the learned counsel for the petitioners with respect to the quantum of sentence, it would be apposite to point out here that the occurrence in question took place in the year 1995, and ever since then the petitioners have faced long and

protracted criminal proceedings of more than 28 years. It has not been disputed by the State counsel that after the occurrence in question, the petitioners had not been involved in any other criminal case and as conceded by the State counsel, they have not misused the concession of bail granted to them during all these preceding years.

6. As per the custody certificates filed today in the Court by learned State counsel, petitioners Jagat Ram and Husana have undergone a total sentence of 01 year 02 months and 17 days whereas petitioner Surender Singh has undergone a total sentence of 28 days and as on date, no other criminal case is pending against them.

7. In the above facts and circumstances, this Court does not deem it appropriate to send the petitioners behind bars at this juncture when admittedly they have been fastened with many responsibilities in the preceding years ever since their conviction in the case in hand. It needs to be emphasized that the ultimate goal of punishment in a modern civilized society is to attempt reformation of the offender. It may not always be necessary, in each and every case, to incarcerate the offender, where he/she has had an opportunity to repent for his/her wrongs.

8. Hon'ble Supreme Court in '***Ved Prakash vs. State of Haryana***', 1981(1) SCC 447 has also observed that "*it is the duty of the sentencing Court to be activist enough to collect such facts as have a bearing on punishment with a rehabilitating slant.*"

9. Keeping in view the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioners,

this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioners, their substantive sentence of 03 years is reduced to the period already undergone by them in the present case.

10. With the aforesaid modifications, the instant revision petition is disposed of.

28.11.2023

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No