

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on 11th of September, 2023
Pronounced on 13th December, 2023

CRR-2168-2014

Gurmukh SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sarthak Jindal, Advocate for the petitioner.

Mr. Amit Shukla, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

Petitioner has filed the instant revision petition impugning the judgment dated 11th of June, 2014 passed by Additional Sessions Judge, Patiala whereby appeal preferred by the petitioner against the judgment of conviction dated 7th of June, 2013 passed by JMIC, Patiala, stands dismissed.

2. Vide impugned judgment, Ld. Trial Court convicted the petitioner for offences punishable under Section 279, 304-A, 337 IPC in case FIR No.620 dated 30th of December, 2007, at Police Station Sadar, Patiala and sentenced him as under :

Section (IPC)	Imprisonment (R.I)	Fine (in Rs.)	In default of payment of fine (imprisonment)
279	03 months	-	-
304-A	01 year	1000	30 days R.I.
337	03 months	-	-

3. As per the case of prosecution, the FIR was registered on the statement of one Dalbir Singh to the effect that on 30th of December, 2007, he was going towards Patiala from village Dhindsa on his motor-cycle. When he reached near Bossco Institute Rajpura-Patiala he saw one motor cycle bearing registration No.PB-11-AE-3258 being driven by one Sikh gentleman and two ladies were pillion riders thereupon, was hit by a Truck No.HR-46/8016 which was coming from Rajpura side in a rash and negligent manner leading to the death of Kuldeep Kaur and rest of two riders namely Tarlochan Singh and Rajwinder Kaur suffered multiple injuries. It was alleged that later on complainant came to know the name of truck driver to be Gurmukh Singh son of Bawa Singh (the present petitioner) who after the accident got down from the truck but later on fled away from the spot. Statements of witnesses were recorded. Accused-petitioner was arrested. Motor-cycle involved in the accident and offending vehicle were taken into possession and after completion of investigation, challan against the petitioner was presented.

4. Trial Court after appreciating the evidence on record came to the conclusion that the prosecution has proved its case beyond doubt. Accident was caused on account of rash and negligent driving by petitioner and thus, convicted him for offences punishable under Section 279, 337 and 304-A IPC.

5. The petitioner preferred an appeal before the lower Appellate Court. The learned Appellate Court found that the judgment and order of

sentence passed by the learned Trial Court does not suffer from any infirmity and consequently, dismissed the appeal.

6. Counsel for the petitioner contends that in case, finding of conviction is being maintained, the act of the petitioner is of negligence and not intentional. He is a first time offender and sole bread earner of his family. He submits that apart from this case, there is no other case pending against the petitioner. Thus he prays that a lenient view be taken against the petitioner especially in the light of the fact that he is facing protracted trial for the last 16 years.

7. Learned State counsel submits that both the Courts below have rightly found petitioner guilty of offences punishable under Sections 279, 337 and 304-A IPC. It is a case wherein a precious life was lost in the accident.

8. In support of his prayer, counsel for the petitioner relies upon **Jagdish Chander vs. State of Delhi, (1973) 2 SCC 203** wherein the Apex Court taking in view the mitigating circumstances, reduced the sentence of imprisonment from six months to a period of three weeks of imprisonment already undergone by the accused. He further relies upon **Nand Ballabh Pant vs. State (Union Territory of Delhi), (1976) 4 SCC 512** wherein the accused, convicted under Section 304-A of IPC, was sentenced to two months RI and the same was reduced by Supreme Court to one month and the fine was enhanced from Rs 500 to Rs 1,000.

9. Further reliance has been placed upon the orders passed by

Coordinate Bench in **Nirmal Singh @ Pappu Vs. State of Haryana, 2008 (13) R.C.R. (Criminal) 408** decided on 4th of March, 2008, wherein the sentence of conviction under Section 304-A was reduced to already undergone. Apex Court in the case of '**Surendran vs. Sub-Inspector of Police, 2021 AIR (SC) 3197**' and '**K. Jagadish vs. State of Karnataka and another, 2018 SCC Online SC 2489**' reduced the sentence imposed by the Trial Court to 06 months.

10. I have heard counsel for the parties and have carefully gone through record of the case.

11. Counsel for the petitioner has not been able to point out any glaring error of law that can persuade this Court to exercise revisional jurisdiction to upset the findings recorded by the Courts below. The Courts have rightly appreciated the entire evidence and found the petitioner guilty.

12. However, having held so, the question that arises is “*whether the petitioner should be sent to jail at this stage?*”

13 In the offences punishable under Section 304-A IPC there are two parallel threads of judgments occupying the field. In the case of **Jagdish Chander vs. State of Delhi** (supra) the Apex Court observed as under :

“9. The more difficult question seems to be one of sentence in- the present case. The accident took place on April 20, 1965, the trial Court convicted the appellant on April 30, 1968 sentencing him to rigorous imprisonment for 6 months and to a fine of Rs. 500/-. His appeal was dismissed by the Addl. Sessions Judge on September 7, 1966 and his revision was

disallowed on September 11, 1969. He was ordered to be released on bail by this Court on February 2, 1970. We are now in May 1973. The criminal proceedings against the appellant have thus gone on since April 1965 which means a little more than 8 years. The circumstances in which the collision between the truck and the appellant's scooter occurred seems prima facie to suggest that they (their drivers) were both to blame. Penalties designed to deter crime should be gauged so far as possible to the degree of social danger that is represented by the crime and its repetition. To send the appellant back to Jail to serve the sentence of 6 months after 8 years seems to us to be highly unjust for the kind of offence which has been upheld against him by the three courts below. It is unlikely to have any reformatory effect on him. Harassment of a criminal trial for more than 8 years and the expense which he must have incurred, in our opinion, can legitimately be taken into account when considering the question of sentence to be imposed by this Court at this point of time. The appellant is stated to have served out only three weeks of imprisonment but on a consideration of all the relevant circumstances of the case we think it would be just and proper to reduce the sentence of imprisonment to that already undergone but to increase the sentence of fine from Rs. 500/- to Rs. 700/-. Out of the fine, if realised, Rs. 500/- should be paid to the mother of the deceased child. We, however, cannot help expressing our grave concern over the inordinate delay in the disposal of criminal cases including appeals and revisions. If our criminal justice is to achieve its real purpose and if it is to inspire the confidence of the people generally, causes for such delays should be eliminated as early as practicable. Law's delays tend to turn justice sour.

(emphasis supplied)

14. Somewhat similar view was taken by Apex Court in **Nand**

Ballabh Pant vs. State (Union Territory of Delhi) (supra) holding as under :

“1. We have gone through the evidence in this case and we are satisfied that there is no reason to interfere with the conviction recorded against the appellant for the offence under [Section 304A](#) of the Indian Penal Code. The sentence which has been imposed on the appellant has been progressively reduced and ultimately the appellant has been sentenced to suffer rigorous imprisonment for two months and to pay a fine of Rs. 500/-. We think that having regard to the special facts and circumstances of the present case, it would meet the ends of justice if the sentence of imprisonment is reduced to one month and in lieu thereof, the fine is enhanced to Rs. 1000/-.

“2. We accordingly allow the appeal only in regard to sentence and reduce the sentence of imprisonment imposed on the appellant from two months to one month's rigorous imprisonment and in lieu thereof, enhance the sentence of fine from Rs. 500/- to Rs. 1000/- with a direction that in default of payment of fine, the appellant will suffer further rigorous imprisonment for one month. We have told that the appellant has already deposited a sum of Rs. 1000/- in respect of the sentence of fine which has been imposed on him by the learned Judicial Magistrate who tried the case. This amount may be directed to be appropriated towards payment of the fine and it may be paid over to the lady who was the wife of the deceased at the time of his death, as and by way of compensation.”

15. Similar view was again reiterated by Supreme Court in the case of **K. Jagdish vs. State of Karnataka and another** (supra) holding as under :

“6. Pursuant to the aforesaid order, a sum of Rs.4,00,000/-

has been deposited and that has been withdrawn by the respondent No.2- the complainant. It is stated at Bar that it is in addition to the amount of Rs. 5,00,000/- that was awarded in the death claim case in the MACT matter in Lok Adalat settlement.

7. In view of the aforesaid order of depositing Rs.4,00,000/- that was passed by this Court and also the fact that the appellant was directed to surrender vide order dated 10.5.2013, he surrendered on 19.6.2013. Then was released on bail on 1.7.2013.

8. He has undergone sentence for about 2 weeks and in addition, he has paid the aforesaid amount of 4 lakhs. Thus, the sentence of imprisonment is reduced to the period already undergone in view of the monetary compensation of 4 lakhs that has been paid by the appellant and withdrawn by the respondent No.2 and fine of 2,000/- imposed has also been deposited.

9. Thus, the sentence of imprisonment is accordingly modified.”

16. Again Three Judges Bench in the case **Surendran vs. Sub-Inspector of Police, 2021** (supra) held as under :

“9. The judgment of this Court in Prakash Chandra Agnihotri (Supra) as relied by learned counsel for the appellant does support his submissions. In the above case, the accused was convicted and sentenced for six months under [Section 304A](#). This Court converted the sentence of imprisonment into fine of Rs.500/-. The Court was of the view that it would be harsh to send the appellant to the Jail after 18 years of the occurrence. Following was observed in paragraph 1 of the judgment: -

“1. The Courts below have maintained the conviction of the appellant under [Section 304-A](#) Indian Penal Code. We have gone through the judgments of courts below and we find no infirmity therein. We uphold the conviction. The occurrence took place on February 18, 1972. The

appellant has throughout been on bail. He has been sentenced to six months rigorous imprisonment and a fine of Rs.250. We are of the view that it would be rather harsh to send the appellant to jail after 18 years of the occurrence. The ends of justice would be met if the appellant is asked to pay a fine of Rs.2000/-. The sentence is thus converted to a fine of Rs.2000/-. On realisation the amount shall be paid to the family of the deceased girl. The amount be deposited with the Trial Court within two months from today and the trial court shall disburse the same to the parents of the girl and in absence of the parents to the next of kin of the girl. In default of the payment of fine the appellant shall undergo imprisonment for six months.”

10. The incident took place on 16.02.1995 i.e. more than 26 years ago. It appears that appellant was throughout on the bail. The Trial Court after marshalling the evidence has recorded the conviction under [Section 279, 338](#) and awarded sentence of imprisonment of six months and further sentenced to pay a fine of Rs.500/- under [Section 337](#).

11. We do not find any error in conviction recorded by the Trial Court. The conviction of appellant is affirmed, however, looking to the facts and circumstances of the present case specially the fact that 26 years have elapsed from the incident, we are inclined to substitute the sentence of six months imprisonment under [Section 279](#) and [338](#) into fine. Six months sentence under [Section 279](#) and [338](#) IPC are substituted by fine of Rs.1000/- each whereas sentence of fine under [Section 337](#) IPC is maintained.”

17. The same view was followed by this Court in the case of **Nirmal Singh @ Pappu vs. State of Haryana** (supra) observing as under :

“Taking into account protracted trial, antecedents of the

petitioner and the fact that when the occurrence took place, he was 28 years old as per heading of the trial Court judgment, petitioner is now 48 years old, ends of justice will be met in case his sentence is reduced to already undergone and sentence of fine is enhanced and same is paid to legal heirs of deceased. Sentence of the petitioner is reduced to already undergone. However, sentence of fine is enhanced from Rs. 2000/- to Rs. 35000/- and the same shall be deposited within three months from today. Non deposit of fine by the petitioner shall render the present revision petition as dismissed.”

18. However a parallel view does exist.

19. In hard hitting observations made by Apex Court in the case of

State of Punjab vs. Saurabh Bakshi, (2015) 5 SCC 182 the aforesaid

practice was deprecated observing as under :

“17. In the instant case the factum of rash and negligent driving has been established. This court has been constantly noticing the increase in number of road accidents and has also noticed how the vehicle drivers have been totally rash and negligent. It seems to us driving in a drunken state, in a rash and negligent manner or driving with youthful adventurous enthusiasm as if there are no traffic rules or no discipline of law has come to the centre stage.

The protagonists, as we perceive, have lost all respect for law. A man with the means has, in possibility, graduated himself to harbour the idea that he can escape from the substantive sentence by payment of compensation. Neither the law nor the court that implements the law should ever get oblivious of the fact that in such accidents precious lives are lost or the victims who survive are crippled for life which, in a way, worse than death. Such developing of notions is a dangerous phenomenon in an orderly society. Young age cannot be a plea to be accepted in all circumstances. Life to the poor or the impecunious is as worth

living for as it is to the rich and the luxuriously temperamental. Needless to say, the principle of sentencing recognizes the corrective measures but there are occasions when the deterrence is an imperative necessity depending upon the facts of the case. In our opinion, it is a fit case where we are constrained to say that the High Court has been swayed away by the passion of mercy in applying the principle that payment of compensation is a factor for reduction of sentence to 24 days. It is absolutely in the realm of misplaced sympathy. It is, in a way mockery of justice. Because justice is "the crowning glory", "the sovereign mistress" and "queen of virtue" as Cicero had said. Such a crime blights not only the lives of the victims but of many others around them. It ultimately shatters the faith of the public in judicial system. In our view, the sentence of one year as imposed by the trial Magistrate which has been affirmed by the appellate court should be reduced to six months.

18. Before parting with the case we are compelled to observe that India has a disreputable record of road accidents. There is a non-challant attitude among the drivers. They feel that they are the "Emperors of all they survey". Drunkenness contributes to careless driving where the other people become their prey. The poor feel that their lives are not safe, the pedestrians think of uncertainty and the civilized persons drive in constant fear but still apprehensive about the obnoxious attitude of the people who project themselves as "larger than life". In such obtaining circumstances, we are bound to observe that the lawmakers should scrutinize, re-look and re-visit the sentencing policy in [Section 304A, IPC](#). We say so with immense anguish.”

20. The aforesaid view was again reiterated by Supreme Court in the case of **State of Punjab vs. Dil Bahadur, 2023 AIR (Supreme Court) 1767** wherein it has been observed as under :

“5.3 At this stage, another decision of this Court in the case of Surendra Singh (supra) which is also on the offences under [Sections 279](#) and [304A](#) of IPC, is required to be referred to. In the case before this Court, the learned Trial Court while convicting the accused for the offence under [Section 304A](#) sentenced the accused to undergo two years RI. The High Court while maintaining the conviction, reduced the sentence awarded by the learned Trial Court from two years RI to the period already undergone and granted a further compensation of Rs. 2000/- payable to the widow/mother of the deceased. While disapproving the view taken by the High Court and setting aside the order passed by the High Court reducing the sentence, this Court has observed in paragraphs 6 to 14 as under: -

“6. In the instant case, after proper appreciation of evidence the trial court came to the conclusion that the accused had endangered the life of Vijay by driving the jeep on a public road in a rash and negligent manner. The accused dashed the jeep against a pulia first and then against a babul tree. As a result of such accident Vijay Singh, who was travelling in the jeep got injured and died, and another person Mangilal, who was also in the jeep, received injuries. We are of the opinion that the trial court has not committed any illegality in passing the order of conviction and in the appeal preferred by the accused findings of the trial court were affirmed. However, without proper appreciation of the evidence and consideration of gravity of the offence, the learned Single Judge of the High Court has shown undue sympathy by modifying the conviction to the period already undergone.

7. In our considered opinion, the High Court while passing the impugned order [**Surendra Singh v. State of M.P., Criminal Revision No. 3 of 2008, decided on 22-8-2012 (MP)**] has completely failed to follow the

principles enunciated by this Court in a catena of decisions. Undue sympathy by means of imposing inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law and the society cannot endure long under serious threats. If the courts do not protect the injured, the injured would then resort to personal vengeance. Therefore, the duty of any court is to award proper sentence having regard to the nature of the offence and the manner in which it was committed. (*See Sevaka Perumal v. State of T.N. [(1991) 3 SCC 471 : 1991 SCC (Cri) 724 : AIR 1991 SC 1463]*)

8. In *Dhananjoy Chatterjee v. State of W.B. [(1994) 2 SCC 220 : 1994 SCC (Cri) 358]* this Court held as under: (SCC p. 239, paras 14-15)

“14. In recent years, the rising crime rate—particularly violent crime against women has made the criminal sentencing by the courts a subject of concern. Today there are admitted disparities. Some criminals get very harsh sentences while many receive grossly different sentence for an essentially equivalent crime and a shockingly large number even go unpunished thereby encouraging the criminal and in the ultimate making justice suffer by weakening the system's credibility. Of course, it is not possible to lay down any cut and dry formula relating to imposition of sentence but the object of sentencing should be to see that the crime does not go unpunished and the victim of crime as also the society has the satisfaction that justice has been done to it. In imposing sentences, in the absence of specific legislation, Judges must consider variety of factors and after considering all those factors and taking an overall view of the situation, impose sentence which they consider to be an appropriate one.

Aggravating factors cannot be ignored and similarly mitigating circumstances have also to be taken into consideration.

15. In our opinion, the measure of punishment in a given case must depend upon the atrocity of the crime; the conduct of the criminal and the defenceless and unprotected state of the victim. Imposition of appropriate punishment is the manner in which the courts respond to the society's cry for justice against the criminals. Justice demands that courts should impose punishment befitting to the crime so that the courts reflect public abhorrence of the crime. The courts must not only keep in view the rights of the criminal but also the rights of the victim of crime and the society at large while considering imposition of appropriate punishment.”

9. While considering this aspect, the Supreme Court in ***Mahesh v. State of M.P. [(1987) 3 SCC 80 : 1987 SCC (Cri) 379 : (1987) 2 SCR 710]*** remarked that: (SCC p. 82, para 6)

“6. ... it will be a mockery of justice to permit these appellants to escape the extreme penalty of law when faced with such evidence and such cruel acts. To give the lesser punishment for the appellants would be to render the justicing system of this country suspect. The common man will lose faith in courts. In such cases, he understands and appreciates the language of deterrence more than the reformatory jargon. When we say this, we do not ignore the need for a reformatory approach in the sentencing process.”

10. ***In Hazara Singh v. Raj Kumar [(2013) 9 SCC 516 :***

(2014) 1 SCC (Cri) 159] this Court has observed that:
(SCC p. 521, para 10)

“10. ... it is the duty of the courts to consider all the relevant factors to impose an appropriate sentence. The legislature has bestowed upon the judiciary this enormous discretion in the sentencing policy, which must be exercised with utmost care and caution. The punishment awarded should be directly proportionate to the nature and the magnitude of the offence. The benchmark of proportionate sentencing can assist the Judges in arriving at a fair and impartial verdict.”

This Court further observed that: *(Hazara Singh case [(2013) 9 SCC 516 : (2014) 1 SCC (Cri) 159] , SCC p. 521, para 11)*

“11. The cardinal principle of sentencing policy is that the sentence imposed on an offender should reflect the crime he has committed and it should be proportionate to the gravity of the offence. This Court has repeatedly stressed the central role of proportionality in sentencing of offenders in numerous cases.”

11. In *Shailesh Jasvantbhai v. State of Gujarat [(2006) 2 SCC 359 : (2006) 1 SCC (Cri) 499]* the Apex Court opined that: (SCC pp. 361-62, paras 7-8)

“7. The law regulates social interests, arbitrates conflicting claims and demands. Security of persons and property of the people is an essential function of the State. It could be achieved through instrumentality of criminal law. Undoubtedly, there is a cross-cultural conflict where living law must find answer to the new challenges and the

courts are required to mould the sentencing system to meet the challenges. The contagion of lawlessness would undermine social order and lay it in ruins. Protection of society and stamping out criminal proclivity must be the object of law which must be achieved by imposing appropriate sentence. Therefore, law as a cornerstone of the edifice of 'order' should meet the challenges confronting the society. Friedman in his *Law in Changing Society* stated that: 'State of criminal law continues to be —as it should be —a decisive reflection of social consciousness of society.' Therefore, in operating the sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. By deft modulation, sentencing process be stern where it should be, and tempered with mercy where it warrants to be. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration.

8. Therefore, undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law and society could not long endure under such serious threats. It is, therefore, the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed, etc.”

12. A three-Judge Bench of this Court in *Ahmed Hussein Vali Mohammed Saiyed v. State of Gujarat [(2009) 7 SCC 254 : (2009) 3 SCC (Cri) 368]* observed as follows:

(SCC p. 281, paras 99-100)

“99. ... The object of awarding appropriate sentence should be to protect the society and to deter the criminal from achieving the avowed object to (sic break the) law by imposing appropriate sentence. It is expected that the courts would operate the sentencing system so as to impose such sentence which reflects the conscience of the society and the sentencing process has to be stern where it should be. Any liberal attitude by imposing meagre sentences or taking too sympathetic view merely on account of lapse of time in respect of such offences will be resultwise counterproductive in the long run and against the interest of society which needs to be cared for and strengthened by string of deterrence inbuilt in the sentencing system.

100. Justice demands that courts should impose punishment befitting the crime so that the courts reflect public abhorrence of the crime. The court must not only keep in view the rights of the victim of the crime but the society at large while considering the imposition of appropriate punishment. The court will be failing in its duty if appropriate punishment is not awarded for a crime which has been committed not only against the individual victim but also against the society to which both the criminal and the victim belong.”

13. We again reiterate in this case that undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law. It is the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed. The sentencing courts are expected to consider all

relevant facts and circumstances bearing on the question of sentence and proceed to impose a sentence commensurate with the gravity of the offence. The court must not only keep in view the rights of the victim of the crime but also the society at large while considering the imposition of appropriate punishment. Meagre sentence imposed solely on account of lapse of time without considering the degree of the offence will be counterproductive in the long run and against the interest of the society.

14. In a recent decision in *State of M.P. v. Bablu [(2014) 9 SCC 281 : (2014) 6 SCC (Cri) 1]*, after considering and following the earlier decisions, this Court reiterated the settled proposition of law that one of the prime objectives of criminal law is the imposition of adequate, just, proportionate punishment which is commensurate with the gravity, nature of crime and the manner in which the offence is committed. One should keep in mind the social interest and conscience of the society while considering the determinative factor of sentence with gravity of crime. The punishment should not be so lenient that it shocks the conscience of the society. It is, therefore, the solemn duty of the court to strike a proper balance while awarding the sentence as awarding lesser sentence encourages any criminal and, as a result of the same, the society suffers.

5.4 Applying the law laid down by this Court in the case of Surendra Singh (supra) to the facts of the case on hand, the impugned judgment and order passed by the High Court interfering with the sentence imposed by the learned Trial Court confirmed by the First Appellate Court by showing undue sympathy to the accused is unsustainable and the same deserves to be quashed and set aside.”

21. Thus two parallel threads are :

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(a) Courts should normally avoid showing undue sympathy to the accused by imposing inadequate sentence as the same is harmful to the justice system ; and

(b) The Supreme Court has repeatedly considered the fact that ordeal of facing pangs of prolonged trial needs to be considered while deciding adequacy of sentence in the matters pertaining to offence punishable under Section 304-A IPC. Where the accused has faced the prolonged trial running into more than a decade before it is finally concluded by the High Court or the Supreme Court and both the Courts found that the victim needs to be compensated adequately, the time spent in the *lis* by an accused and compensation to the victim can form relevant considerations for reduction in sentence.

22. In the present case the present revision is pending consideration for last nine years. FIR relates to the year 2007. The petitioner was granted suspension of sentence on 27.10.2014 after he expressed his readiness to compensate the victim by paying Rs.1.00 lac. The aforesaid amount stands paid. The question is, having paid compensation as per the orders of this Court 9 years back, should the petitioner be asked to go back behind bars? It is in these mitigating circumstances that this Court finds it appropriate to follow the orders passed by Apex Court in **K. Jagdish's case** (supra) as the facts in the

present case are almost similar to those before the Apex Court. I may hastenly add here that the petitioner is claimed to have paid compensation and neither the State nor the victim has agitated against the order passed by this court asking the petitioner to deposit compensation and granting him suspension of sentence.

23. The petitioner is a first time offender and has no past criminal record or antecedents. He is not reported to have ever misused concession of bail/suspension of sentence. He has undergone about 6 months out of substantive sentence of 1 year and has already faced protracted trial for last 16 years.

24. Taking into consideration all these facts cumulatively, the substantive sentence of 1 year awarded to the petitioner by the Courts below is reduced to the period already undergone by him.

25. Petition is disposed off, accordingly.

December 13, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes