

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

231

CRR-2715-2019

Date of decision: 13.04.2023

Surender and anotherPetitioners

Versus

The State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jashan Singh Sekhon, Advocate for
Mr. Shiv Kumar, Advocate
for the petitioners.

Ms. Sheenu Sura, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners have filed the instant revision petition to impugn the order dated 03.10.2019 passed by learned Additional Sessions Judge, Jhajjar whereby the appeal preferred by them against the judgment of conviction 28.03.2017 and order of sentence dated 31.03.2017 passed by learned Judicial Magistrate 1st Class, Bahadurgarh, was dismissed.

Vide judgment of conviction 28.03.2017 and order of sentence dated 31.03.2017, learned Judicial Magistrate 1st Class, Bahadurgarh, 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
323/34 of the IPC	3 months	₹500/- each	01 month
325/34 of the IPC	01 year	₹1,000/- each	01 month

Both the sentences were ordered to be run concurrently.

Learned counsel for the petitioners has 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 2010 and the petitioners have thus, suffered the agony of a protracted trial for more than 12 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.

Learned State counsel while opposing the prayer made by counsel opposite submits that due to 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.

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.

Coming to the prayer of the learned counsel for the petitioners with respect to quantum of sentence, it would be apposite to

point out here that the incident in question occurred in the year 2010 and ever since then the petitioners have faced long and protracted criminal proceedings for more than 12 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.

As per the custody certificates on record, the petitioners are not shown to be involved in any other criminal case.

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 few years. It cannot be overlooked 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.

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.*"

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 01 year is reduced to the period already undergone by them in the present case.

However, fine imposed on the petitioners is enhanced from ₹1,000/- to ₹15,000/- each under Section 325/34 of the IPC. It is made clear that in case of non-deposit of fine with the trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioners and they will be required to undergo the remaining part of the sentence awarded to them. On deposit of fine, the enhanced amount of fine shall be disbursed to the injured/complainant, against proper identification.

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

13.04.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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