



217

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

**CRR-1927-2008 (O&M)
Date of decision: 30.09.2024**

Manjinder Singh

... Petitioner

Vs.

Gurmit Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nakul Sharma, Advocate and
Ms. Annu, Advocate
for the petitioner.

None for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant revision petition has been preferred against the judgment dated 02.09.2008 passed by learned Additional Sessions Judge, Ferozepur, vide which judgment of conviction dated 09.01.2004 and order of quantum of sentence of even date passed by learned Chief Judicial Magistrate, Ferozepur, in the complaint filed by the respondent under Sections 406, 498-A, 506, 148, 149 of the Indian Penal Code (for short 'IPC), was upheld.

2. The petitioner was convicted and sentenced under Sections 406 & 498-A of IPC and was ordered to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- along with default



mechanism.

3. Brief facts of the case are that the respondent-complainant filed a complaint against the petitioner and six others under Sections 406, 498-A, 506, 148, 149 of IPC with the allegations that marriage of the respondent-complainant was solemnized with the petitioner on 25th Baisakh, 1991 according to Sikh rites and rituals. After one month of the marriage, her in-laws started harassing her and demanded scooter and jewellery. She informed to her parents about this and on 22.07.1991, her brother gave a scooter to the petitioner. In November, 1991, after giving beatings to the complainant, she was turned out of the matrimonial home, while raising demand of Rs.50,000/-. As agreed in the panchayat, brother of the complainant gave Rs.30,000/- to the petitioner, but the accused continued to beat the complainant. In March, 1992, when the complainant was pregnant, she was turned out of the matrimonial home in wearing clothes. Her parents got her admitted in the hospital and she gave birth to a child, who later died and even at that time, the accused did not turn up. After March, 1992, several panchayts were convened for rehabilitation, but to vain. Even the accused refused to return the istridhan.

4. The petitioner was convicted vide judgement dated 09.01.2004 by learned trial Court, which had also been upheld by lower appellate Court vide judgment dated 02.09.2008.

5. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 09.01.2004 on merits



and restricts his prayer to modification of the order of quantum of sentence, to that of the sentence already undergone by the petitioner, as he has already undergone a period of about 02 months and is not involved in any other criminal activity.

6. Office report indicates that notice could not be issued to the respondent, as she is not residing at the given address.

7. I have heard learned counsel for the petitioner and perused the record with his able assistance.

8. In *Deo Narain Mandal Vs. State of UP, (2004) 7 SCC 257*, a three-Judge Bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner, in which the offence is committed, age of the accused, should be considered, while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient. Further, a two-Judge Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166*, has reiterated that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but



also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua quantum of sentence.

10. The complaint in the present case was filed on 06.08.1996 and the petitioner has been suffering the agony of trial since the last 28 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life. As per his custody certificate dated 28.09.2024, the petitioner is not involved in any other case and has undergone actual sentence of 01 month and 22 days, out of total sentence of one year R.I. in the instant case.

11. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

12. Consequently, the present revision petition is disposed of in the following terms:-



(i) The judgment dated 02.09.2008 passed by learned Additional Sessions Judge, Ferozepur, affirming the judgment of conviction dated 09.01.2004, is upheld, however, the order of sentence of even date is modified to the extent that the sentence of rigorous imprisonment of one year along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

(ii) The sentence of fine of an amount of Rs.1,000/- imposed upon the petitioner by learned trial Court is increased to Rs.5,000/-. The petitioner is directed to deposit the increased amount of fine in learned trial Court within one month from the date of receipt of certified copy of this order and in case of default of payment of fine, the petitioner shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month.

13. All the pending miscellaneous application(s), if any, shall also stand disposed of.

30.09.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No