



111 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**CRR-1684-2009 (O&M)**  
**DECIDED ON: 01.10.2024**

MOHAN LAL

.....PETITIONER

## VERSUS

STATE OF HARYANA

.....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Rajiv Sharma, Advocate  
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

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**SANDEEP MOUDGIL, J (ORAL)**

1. The petitioner has challenged the judgment of conviction dated 14.07.2008 and order of sentence dated 16.07.2008, passed by the Judicial Magistrate Ist Class, Palwal whereby he was convicted and sentenced as under:

| Offence           | Sentence                                                                          | In default of fine                                |
|-------------------|-----------------------------------------------------------------------------------|---------------------------------------------------|
| Section 465 IPC   | To undergo RI for a period of six months                                          | To further undergo RI for a period of six months. |
| Section 467 IPC   | To undergo RI for a period of two years along-with fine to the tune of Rs.1000/-. | To further undergo RI for a period of six months. |
| Section 468 IPC   | To undergo RI for a period of one year along-with fine to the tune of Rs.500/-.   | To further undergo RI for a period of six months. |
| Section 471 IPC   | To undergo RI for a period of six months                                          | To further undergo RI for a period of six months. |
| Section 474 IPC   | To undergo RI for a period of one year along-with fine to the tune of Rs.500/-    | To further undergo RI for a period of six months. |
| Section 120-B IPC | To undergo RI for a period of six months.                                         | To further undergo RI for a period of six months. |



2. The appeal preferred by the petitioner to challenge his conviction was dismissed by the learned Additional Sessions Judge, Faridabad vide judgment dated 21.04.2009.

3. At the outset, the learned counsel for the petitioner concedes that, given the concurrent findings of fact recorded by both the trial Court and the learned Appellate Court, he will not press the petition on merits. Instead, he seeks to confine his prayer to a reduction in the quantum of the sentence. It is submitted that the incident dates back to the year of 1997, and the petitioner has endured prolonged criminal proceedings for almost two decades. The petitioner has already undergone the actual sentence for a period of 1 year 1 month and 17 days, out of total substantive sentence of 2 years, as is evident from the custody certificate filed by learned State counsel, today in Court.

4. In light of these circumstances a prayer has been made for leniency, with a plea to reduce the sentence imposed by the trial Court to the period already undergone by the petitioner. It is argued that sending the petitioner back to prison at this stage would serve no meaningful purpose.

5. Learned State counsel has argued that the petitioner does not deserve any kind of leniency from this Court, as he is also involved in two other cases of similar nature.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. No doubt the criminal antecedents of the accused are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases.



8. In view of the afore-said facts and circumstances coupled with the fact that the petitioner has already faced the agony of protracted trial since the date of registration of FIR i.e 1997, this Court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Moreover, it is clear that the petitioner has now been burdened with numerous liabilities.

9. Taking into consideration the above narrated discussion as well as the fact that the petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause.

10. With the aforesaid modification in the quantum of sentence, the present petition stands disposed off.

11. The petitioner is ordered to be released forthwith in case he is not required in any other case.

12. Pending criminal misc. application, if any shall also disposed off.

**01.10.2024**

*sham*

**(SANDEEP MOUDGIL)**  
**JUDGE**

*Whether speaking/reasoned :* Yes/No

*Whether reportable :* Yes/No