



2. In brief, version of the prosecution is that complainant Manpreet Kaur sent a letter dated 25.7.2002 Ex.PA to D.S.P. Ajnala, alleging therein that she is a resident of village Rakh Othian, Tehsil Ajnala, District Amritsar and her marriage was solemnized with Jaspal Singh son of Sher Singh, r/o Village Adali Wal about 06 months back as per Sikh rites and at the time of marriage, her parents gave sufficient dowry as per the list Ex.PB to Jaspal Singh and his parents and from the loins of Jaspal Singh, she gave birth to two male babies namely Vishavjot Singh and Javjot Singh, who are minors. Her relations with Jaspal Singh remained cordial for sometime but her husband had demanded Rs.2 lacs for going abroad which amount was paid by her parents under compulsion. Her husband went abroad in the year, 1999 leaving her at the house of her in-laws. After the year 1999, her mother-in-law, father-in-law, sister-in-law Gurjit Kaur and her husband Balraj Singh had started harassing her and they had also demanded money from her and when she refused, she was turned out of her matrimonial house in the month of June and thereafter she came to village Othian along with her kids. On 9.6.2002, her mother-in-law Taswinder Kaur, father-in-law Sher Singh, sister-in-law Gurjit Kaur and her husband Balraj Singh came to village Othian in a car, while armed with weapons and they had forcibly taken her kids with them in the car and had also threatened her with dire consequences and at that time, she alongwith her mother was present in the house. She further alleged that her sister-in-law Gurjit Kaur and her husband Balraj Singh had taken her minor sons to an undisclosed place and that all the accused had misappropriated her *Istridhan* and they are also having her passport and that of her minor kids and they can misuse those passports. She further alleged that all the accused are maltreating her and they are also compelling her to bring more dowry but her parents being



poor persons are unable to meet such demand of dowry. On the basis of the said letter, the present case was registered, investigated, accused were arrested, recovery of passports, gold & silver ornaments and of scooter No.PB-02J-5024 was effected and after completion of investigation, the accused were challaned.

3. The petitioner No.1 was convicted vide judgment dated 27.10.2007 by the learned trial Court which has also been upheld by lower Appellate Court vide judgment dated 01.09.2010.

4. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 27.10.2007 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 No.1, as he has already undergone a period of 01 month and 04 days, which includes custody after conviction and he is not involved in any other criminal activity.

5. Per contra, learned State counsel opposes the prayer of the petitioner No.1, as the learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned lower Appellant Court and as such, he does not deserve any leniency.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. In ***Deo Narain Mandal v. 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, 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 v. 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 the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

8. A perusal of the judgment of conviction passed by the 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 petitioners has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua quantum of sentence.

9. The FIR in the present case was lodged on 26.07.2002 and the petitioner No.1 has been suffering the agony of protracted trial for more than last 22 years. Since his conviction, the petitioner No.1 has grown into a law-abiding citizen and desires to live a peaceful life. As per his custody certificate, he is not involved in any other case and has undergone actual sentence of 01 month, 04 days out of total sentence of 01 year, in the instant case.

10. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner No.1 is reduced to the period already undergone by him.

11. Consequently, the present appeal is disposed of in the following terms:-

(i) The judgment dated 01.09.2010 passed by the learned Additional Sessions Judge, Amritsar affirming the judgment of conviction is upheld, however, the order of sentence dated 30.10.2007 is modified to the extent that the sentence of rigorous imprisonment for 01 year along with default mechanism awarded to the petitioner No.1 is reduced to the period of sentence already undergone by him.

(ii) The sentence of fine of an amount of Rs.3,000/- imposed upon the petitioner No.1 by the trial Court is increased to Rs.10,000/-. The petitioner No.1 is directed to deposit the amount of fine in the 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 No.1 shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month.

May 29, 2024

manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No