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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3549-2013
Date of decision: 13.11.2024

BALKAR RAM AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunny K. Singla, Advocate
for the petitioners.

Mr. Durgesh Garg, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision has been preferred against the judgment dated 04.10.2013 passed by learned Additional Sessions Judge, Sangrur, vide which, judgment of conviction and order of quantum of sentence dated 25.03.2011 passed by learned Judicial Magistrate Ist Class, Malerkotla in case bearing FIR No.140 dated 20.12.2008 registered under Sections 498-A/34 IPC at Police Station Amargarh, Malerkotla have been upheld.
2. The petitioners were sentenced as under:

Petitioner’s name	Offence	Sentence
Balkar Ram and Biru Ram	498 IPC read with Section 34 IPC	RI for 03 years with a fine of Rs.5,000/- each in default of payment of fine to undergo RI for 02 months.

3. Briefly, the facts of the prosecution case are that the daughter of the complainant was married with petitioner No.1. After the marriage, in laws of daughter of the complainant started torturing and beating her on account of



demand of dowry. The matter was tried to be settled down, but in-laws of daughter of the complainant did not mend their ways. Hence, the FIR (supra) was registered against the petitioners.

4. The petitioners were convicted vide judgment dated 25.03.2011 by the learned trial Court, which has also been upheld by lower Appellate Court vide judgment dated 04.10.2013.

5. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 25.03.2011 on merits and restricts his prayer to modification of the order of quantum of sentence to that of the sentence already undergone by the petitioners. Both of them have undergone a total period of 01 month and 25 days. Petitioner No.1 is involved in one more case and petitioner No.2 is not involved in any other case.

6. *Per contra*, learned State counsel produces the custody certificates of the petitioners and opposes the prayer of the petitioners 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 Appellate Court and as such, they do not deserve any leniency.

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

8. 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.

9. 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 modification of quantum of sentence.

10. The FIR in the present case was lodged on 20.12.2008 and the petitioners have been suffering the agony of protracted trial for last about 16 years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. As per their custody certificate, Petitioner No.1 is involved in one more case and petitioner No.2 is not involved in any other case and have undergone total sentence of 01 month and 25 days, in the instant case.

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

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

(i) The judgment dated 04.10.2013 passed by the learned Additional Sessions Judge, Sangrur, affirming the judgment of conviction is upheld, however, the order of sentence dated 25.03.2011 is modified to the extent that the sentence of rigorous imprisonment for 03 years along with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them subject to the fine of an amount of Rs.10,000/- each upon both the petitioners.

(ii) The petitioners are 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 petitioners shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month.

November 13, 2024
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(HARPREET SINGH BRAR)
JUDGE

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