

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1643-2014 (O&M)
Date of decision: 25.07.2024

RAJINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.S. Gandhi, Advocate
for the petitioner.
Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. Present revision petition has been preferred against the judgment dated 07.05.2014 passed by learned Additional District Judge, Tarn Taran upholding the judgment of conviction and order of quantum of sentence dated 06.12.2013 passed by learned Sub Divisional Judicial Magistrate, Patti in FIR No. 74 dated 03.06.2007 registered at Police Station Bhikhiwind, vide which the petitioner was sentenced as under:

Sr No.	Name of petitioner	Conviction under Sections	Sentence awarded	Fine imposed
1.	Rajinder Singh	498-A of Indian Penal Code	Rigorous imprisonment for one year	Rs. 1000/- and in default of payment of fine, further awarded rigorous imprisonment for one month.

2. The facts as put forth by the prosecution are that complainant Ranjit Kaur made a complaint alleging therein that she was married to Ranjinder Singh (petitioner herein) on 18.01.2004. Her husband was serving in BSF as constable in Jalalabad. The sister of her mother-in-law namely Shindo,

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and petitioner were harassing her. Whenever her husband came on leave, family members of petitioner instigated him to ask her (complainant) to bring a sum of Rs. Two Lacs from her mother for purchasing taxi for Balwinder Singh alias Pindu. Rajinder Singh used to abuse and beat her. On 05.10.2005 at about 6.15 P.M., her husband Rajinder Singh alongwith other accused gave her beatings. Her husband gave slaps whereas her mother-in-law made her to fell on ground from holding her hair. All the three brothers-in-law and father-in-law gave kicks in the stomach whereas Shindo gave slaps by asking to bring Rs. Two Lacs. Rajinder Singh telephoned her sister-in-law Jaspreet Kaur to bring Rs. Two Lacs to take back the complainant with them. On 06.10.2005, in the morning, the accused threw her dowry articles in the courtyard and gave beatings to her. At that time she pregnant and the miscarriage took place due to beatings and kicks in the stomach given by accused. On 20.10.2005, she came back to matrimonial home with requests to relatives and respectable because her father and elder brother had already died in an accident. Further her widow mother was taking care of the children of deceased sister. Therefore, she did not want to become burden on her mother who had already spent on marriage beyond her capacity. Accused Rajinder Singh came on leave in the month of January and he was again instigated by other accused 23.01.2006 at about 7.00 P.M., all the accused in connivance with each other again raised the demand of Rs. Two Lacs. She (complainant) made requests by touching the feet of her husband and his parents to which they did not listen and repeated their demand of Rs. Two Lacs. They again gave beatings and turned her out of matrimonial home. The accused even did not return gold ornaments and other household articles given to accused family at the time of marriage. Upon the basis of the

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aforesaid complaint, inquiry was conducted and case registered against the accused. Accused were arrested. After completion of the investigation, challan against the accused was presented in the trial Court.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 07.05.2014 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 06 days, and is not involved in any other criminal activity.

4. Per contra, learned State counsel opposes the prayer of the petitioners on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record which has also been partly upheld by the learned lower Appellant Court and as such, he does not deserve any leniency.

5. I have heard learned counsel for the parties and perused the record with his able assistance.

6. In **Deo Narain Mandal v. State 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

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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.

7. 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 petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua quantum of sentence.

8. The FIR in the present case was filed on 03.06.2007 and the petitioner has been suffering the agony of trial since the last 17 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, he is not involved in any other case and has undergone actual sentence of 06 days out of total sentence of 01 year in the instant case.

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9. 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.

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

(i) The judgment dated 07.05.2014 passed by the learned Additional District Judge, Tarn Taran upholding the judgment of conviction is upheld, however, the order of sentence dated 06.12.2013 is modified to the extent that the total sentence of rigorous imprisonment for 01 year along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

(ii) Fine of Rs. 1000/- imposed upon the petitioner is enhanced to Rs. 10,000/- each. The petitioner 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 shall be liable to be taken into custody and made to undergo simple imprisonment for one month.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 25, 2024*Ajay Goswami***(HARPREET SINGH BRAR)
JUDGE**

(i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No