



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2210 of 2015(O&M)
DATE OF DECISION: 29.07.2024

Ramesh and anotherPetitioners

VERSUS

Meera Bai and State of HaryanaRespondents

CORAM HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present Mr.S.S.Mor, Advocate,
for the petitioners.

Mr.Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J (ORAL)

1. This revision has been preferred against the judgment dated 28.04.2015 passed by Additional Sessions Judge, Bhiwani vide which judgment of conviction and order of quantum of sentence dated 10/11.05.2012 respectively passed by learned Judicial Magistrate Ist Class, Bhiwani in Criminal case No.4-1 of 2006/2012 titled as *Meera Bai v. Ramesh & another*, filed under Sections 323, 354, 451 and 506 IPC read with Section 34 IPC registered at Police Station Sadar Bhiwani, has been upheld. Both the petitioners were sentenced as under:

Offence	Sentence
Section 323 IPC	To undergo SI for six months
Section 354 IPC	To undergo SI for 1 year + Rs.1,000/-
Section 451 IPC	To undergo SI for 1 year + Rs.1,000/-
Section 506 IPC	To undergo SI for six months

All the sentences were ordered to run concurrently.



2. Allegations as per complaint against the petitioners are that in the year 2000 after the death of husband of complainant Meera Bai, who is a resident of Ward No.4 Dinod Tehsil and District Bhiwani, she started living in village Merah with her children. Accused persons being from her family members and in order to grab the land of the complainant, on 04.08.2006, at about 08:30/09:00 pm when sons of the complainant had slept and she was cleaning the utensils and the door was open, accused Ramesh and Satish entered in the house and caught the hand of the complainant with wrong intention and tried to outrage her modesty. On raising noise, her sons Satender and Chanbderbhan son of Ram Singh and Raj Kumar son of Ram Kishan came there and witnessed the incident. Accused persons beat the complainant and used abusive language against her.

3. The petitioners were convicted and sentenced vide judgement dated 10/11.05.2012 by the learned trial Court. Aggrieved against the same, the petitioners approached the lower Appellate Court, where the judgment of conviction was upheld and order of sentence was modified vide judgment dated 28.04.2015, as mentioned above.

4. Learned counsel for the petitioners submits that petitioner no.2 has unfortunately passed away during the pendency of the petition on 16.11.2017 and produced his death certificate, a copy of the same is taken on record. Learned State counsel affirms the factum of death of petitioner no.2.

5. In this view of the matter, proceedings qua petitioner no.2 stands abated.

6. Learned counsel further contends that he is not assailing the impugned judgment of conviction dated 10.05.2012 and 28.04.2015 on merits and restricts his prayer to modification of the order of quantum of sentence to that



of the sentence already undergone by petitioner no.1 as he has already undergone a period of more than two months and is not involved in any other criminal activity.

6. Per contra, learned State counsel opposes the prayer of 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 and also modified by the learned lower Appellant Court and as such, he does 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. Learned counsel for petitioner no.1 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 lodged on 04.08.2006 and the petitioners no.1 has been suffering the agony of trial since the last 18 years. Since his conviction, 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 more than two months out of total sentence of one year 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 no.1 is reduced to the period already undergone by him.

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

- (i) The judgment dated 28.04.2015 passed by the learned Additional Sessions Judge, Bhiwani affirming the judgment of conviction is upheld, however, the order of sentence dated 11.05.2012 is modified to the extent that the sentence of simple imprisonment for one year along with default mechanism awarded to petitioner no.1 is reduced to the period of sentence already undergone by him.



(ii) The sentence of fine of an amount of Rs.1,000/- each imposed upon petitioner no.1 by the trial Court is increased to Rs.5,000/-. The petitioner no.1 is directed to deposit the increased 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, petitioner no.1 shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month.

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

29.07.2024
mamta

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No