

755

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2331-2014
Date of decision: 05.12.2024

SUSHIL CHAWLA

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Ramandeep Kaur, Advocate (*amicus curiae*)
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision has been preferred against the judgment dated 23.07.2014 passed by learned Additional Sessions Judge-III, Ferozepur, vide which, judgment of conviction and order on quantum of sentence dated 18.05.2010 passed by learned Chief Judicial Magistrate, Ferozepur in case bearing FIR No.94 dated 09.07.2002 registered under Section 498-A of IPC at Police Station City, Ferozepur have been upheld.

2. The petitioner was sentenced as under:

Offence	Sentence
498-A IPC	RI for two and half years with a fine of Rs.2,500/- and in default of payment of fine to undergo RI for 04 months.

3. Briefly, the facts of the prosecution case are that the present case was registered on the written complaint moved by the complainant/respondent No.2, wherein it was stated that petitioner was previously married to her sister, who expired on 01.11.1995 and she had two children. Sister of the complainant



was a government employee and she was tired from the hands of the petitioner but she never disclosed the said fact to her parents. Thereafter, the petitioner, by alluring the mother of the complainant, got married to the complainant/respondent No.2. After few days of marriage, petitioner started beating and harassing the complainant/respondent No.2, on account of demand of dowry, despite the fact that the complainant was on a government job and was handing over her entire salary to the petitioner. Several times, *panchayats* were convened but to no effect and the complainant was turned out of her matrimonial home. Hence, the FIR (*supra*) was registered.

4. The petitioner was convicted vide judgment dated 18.05.2010 by the learned trial Court, which has also been upheld by lower Appellate Court vide judgment dated 23.07.2014.

5. Learned *amicus curiae* for the petitioner *inter alia* contends that the FIR (*supra*) was registered as a counter-blast to the complaint made by the father of the petitioner against respondent No.2, with regard to harassment and illegal occupation of his house. Learned counsel submits that respondent No.2 was working as a Stenographer in the office of Senior Superintendent of Police, Ferozepur. As such, under her influence, the petitioner has been falsely implicated in the present case. Learned counsel further submits that there is no evidence available on record which would remotely suggest that ingredients of Section 498-A are made out against the petitioner. The entire case of the prosecution is based on hearsay evidence and not even single independent witness has been examined to corroborate the case set up by the complainant/respondent No.2. He further submits that the petitioner has already undergone custody of 04 months and 05 days inclusive of remission and is not involved in any other criminal activity.



6. *Per contra*, learned State counsel produces the custody certificate of the petitioner and opposes the prayer of the petitioner 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, 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.

10. The FIR in the present case was lodged on 09.07.2002 and the petitioner has been suffering the agony of protracted trial for last about 22 years. Since his conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life. As per his custody certificate, petitioner is not involved in any other case and has undergone total sentence of 04 months and 05 days, 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 is reduced to the period already undergone by him.

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

(i) The judgment dated 23.07.2014 passed by the learned Additional Sessions Judge-III, Ferozepur, affirming the judgment of conviction is upheld, however, the order of sentence dated 18.05.2010 is modified to the extent that the sentence of rigorous imprisonment for two and half years along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him subject to the fine of an amount of Rs.10,000/- upon the petitioner.

(ii) 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 rigorous imprisonment for 03 months.

13. High Court Legal Services Committee is directed to pay remuneration to learned *amicus curiae* for the petitioner as per rules.

December 05, 2024
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(HARPREET SINGH BRAR)
JUDGE

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