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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2340-2015
Date of decision: 13.12.2024

BALJIT SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Satwant Mehta, Advocate for the petitioner.
Mr. Nitesh Sharma, DAG, Punjab.
None for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 01.04.2015 passed by learned Additional Sessions Judge-II, Ferozepur, vide which, judgment of conviction and order on quantum of sentence dated 11.07.2014 passed by learned Judicial Magistrate Ist Class, Ferozepur in case bearing FIR No.88 dated 22.09.2011 registered under Sections 406/498-A/506 IPC at Police Station Kulgarhi have been upheld.
2. The petitioner was sentenced as under:

Offence	Sentence
498-A IPC	RI for 03 years with a fine of Rs.2,000/- in default of payment of fine to undergo SI for 20 days.

3. Brief facts of the case are that the present case was lodged on the basis of the statement made by the complainant-Amandeep Kaur against the petitioner and his father, alleging therein that she was married with the petitioner about three and half years back. At that time, sufficient dowry was given by the parents of the complainant. However, after the marriage,



petitioner and his family started beating her on account of demand of more dowry and turned her out of the matrimonial home 3/4 times but she was rehabilitated in the matrimonial home with the intervention of *panchayat*. Ultimately, petitioner and his family again turned her out from the matrimonial home and when *panchayat* was again convened, they refused to rehabilitate the complainant until and unless their demand of dowry is fulfilled and they also refused to return the dowry articles given by the parents of the complainant. Hence, the FIR (*supra*) was registered.

4. The petitioner was convicted and sentenced vide judgment dated 11.07.2014 passed by learned trial Court, which has also been upheld by lower Appellate Court vide judgment dated 01.04.2015.

5. Learned counsel for the petitioner contends that she is not assailing the impugned judgment of conviction dated 11.07.2014 on merits and restricts her prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioner. Petitioner has undergone a total period of 04 months and 16 days, including remission and is not involved in any other case.

6. *Per contra*, learned State counsel opposes the prayer of the petitioner as 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. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather she has restricted her prayer only qua modification of quantum of sentence.

10. The FIR in the present case was lodged on 22.09.2011 and the petitioner has been suffering the agony of protracted trial for last 13 years.

Since his conviction, the petitioner has grown into law-abiding citizen and desire to live a peaceful life. As per his custody certificate, he is not involved in any other case and has undergone total sentence of 04 months and 16 days, including remission out of total sentence of three years, 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 01.04.2015 passed by the learned Additional Sessions Judge-II, Ferozepur, affirming the judgment of conviction is upheld, however, the order of sentence dated 11.07.2014 is modified to the extent that the sentence of rigorous imprisonment for three 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 one month.

December 13, 2024

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(HARPREET SINGH BRAR)

JUDGE

(i) Whether speaking/reasoned

Yes/No

(ii) Whether reportable

Yes/No