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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-4922-2015 (O&M)
Date of decision: 23.08.2024

Gurmukh Singh and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vipin Mahajan, Advocate and
Mr. Randeep Singh, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present revision petition has been preferred against the judgment dated 03.12.2015 passed by learned Additional Sessions Judge, Gurdaspur, vide which judgment of conviction dated 06.03.2012 and order of quantum of sentence of even date, passed by learned Judicial Magistrate 1st Class, Gurdaspur, in FIR No.47 dated 04.07.2006 under Sections 498-A & 406 of the Indian Penal Code (for short 'IPC'), registered at Police Station Kahnuwan, District Gurdaspur, was upheld.
2. The petitioners were convicted and sentenced under Section



498-A of IPC and were ordered to undergo simple imprisonment for a period of one year and to pay a fine of Rs.500/- each along with default mechanism.

3. Brief facts of the case are that marriage of the complainant was solemnized with petitioner No.1 on 01.05.2004 and after sometime of the marriage, father-in-law, mother-in-law and sisters-in-law of the complainant started harassing her for bringing less dowry and raised a demand of motorcycle, which was fulfilled, but they demanded more dowry. When the complainant was pregnant, she, after giving beatings, was thrown out of the matrimonial home. Thereafter, she went to her parental home, where she gave birth to a male child and even nobody from her in-laws family came to see the child. It is further case of the prosecution that when the complainant along with some respectables and panchayat members went to her matrimonial house, her in-laws proclaimed that they would not allow her to live in the matrimonial house, until their demand of car is not fulfilled. When Sarpanch of parental village of the complainant went to her matrimonial house, her father-in-law and sisters-in-law said that they have disinherited husband of the complainant. Thereafter, the complaint moved by the complainant was enquired into and on the basis of enquiry, aforementioned FIR No.47 was registered.

4. The petitioners were convicted vide judgement dated 06.03.2012 passed by learned trial Court, which was upheld by lower appellate Court vide judgment dated 03.12.2015.

5. Learned counsel for the petitioners, at the very outset, submits



that during pendency of the present petition, petitioner No.2 Balbir Singh passed away on 28.09.2020, which is evident from his death certificate dated 29.09.2020 and copy of the same is taken on record as Mark 'A'.

6. In view of the above, present petition qua petitioner No.2 stands abated.

7. Learned counsel on behalf of petitioners No.1 & 3 contends that he is not assailing the impugned judgment of conviction dated 06.03.2012 on merits and restricts his prayer to modification of the order of quantum of sentence, to that of the sentence already undergone by petitioners No.1 & 3, as they have already undergone a period of 01 year and 09 months and are not involved in any other criminal activity.

8. *Per contra*, learned State counsel opposes the prayer of petitioners No.1 & 3, as learned trial Court passed a well-reasoned judgment based on correct appreciation of evidence available on record, which was upheld by learned lower appellant Court and as such, petitioners No.1 & 3 do not deserve any leniency.

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

10. In ***Deo Narain Mandal Vs. 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, the 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 Vs. 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 conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

11. A perusal of the judgment of conviction passed by 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 has not assailed the judgment of conviction on merits on behalf of petitioners No.1 & 3, rather he has restricted his prayer only qua quantum of sentence, as present petition qua petitioner No.2 Balbir Singh already stands abated.

12. The FIR in the present case was lodged on 04.07.2006 and



petitioners No.1 & 3 have been suffering the agony of trial since the last 24 years. Since their conviction, petitioners No.1 & 3 have grown into law-abiding citizens and desire to live a peaceful life. As per their custody certificates dated 22.08.2024, petitioners No.1 & 3 are not involved in any other case and have undergone total sentence of 01 year and 09 months, out of rigorous imprisonment of one year, in the instant case.

13. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to petitioners No.1 & 3 is reduced to the period already undergone by them.

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

- (i) The judgment dated 03.12.2015 passed by learned Additional Sessions Judge, Gurdaspur, affirming the judgment of conviction dated 06.03.2012 is upheld, however, the order of sentence of even date is modified to the extent that the sentence of rigorous imprisonment for one year along with default mechanism awarded to petitioners No.1 & 3 is reduced to the period of sentence already undergone by them.
- (ii) The sentence of fine of an amount of Rs.500/- imposed upon petitioners No.1 & 3 each, by learned trial Court is increased to Rs.5,000/- each. Petitioners No.1 & 3 are directed to deposit the increased amount of fine in learned trial Court within a period of one month from the date of receipt of certified copy of this order



and in case of default of payment of fine, petitioners No.1 & 3 will be liable to be taken into custody and made to undergo rigorous imprisonment for one month.

15. All the pending miscellaneous application(s), if any, shall also stand disposed of.

23.08.2024
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[HARPREET SINGH BRAR]
JUDGE

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