



777

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-731-2015 (O&M)
Date of decision: 25.07.2024

Gurnam Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lokesh Sharma, 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 23.01.2015 passed by learned Additional Sessions Judge, Ferozepur, vide which judgment of conviction dated 09.02.2012 and order of quantum of sentence of even date, passed by learned Additional Chief Judicial Magistrate, Ferozepur, in FIR No.180 dated 15.07.2004 under Sections 498-A, 406, 120-B of the Indian Penal Code (for short 'IPC'), registered at Police Station Sadar Ferozepur, had been upheld.
2. The petitioner was convicted and sentenced under Section 498-A of IPC and was ordered to undergo rigorous imprisonment for a period of

2024:PHHC:094862



two years and to pay a fine of Rs.1,000/- along with default mechanism.

3. Brief facts of the case are that FIR (*supra*) was registered on the basis of an application given by the complainant/father of the victim on the allegations that marriage of his daughter was solemnized with the petitioner about 10 months before filing of the application. After the marriage, her in-laws started demanding more dowry and when the complainant refused to give more dowry, they gave beatings to his daughter. A panchayat was convened and in-law family of his daughter assured that they will not harass her. About one month before registration of the FIR (*supra*), they again started beating her and ultimately, they turned his daughter out of the matrimonial home. When he again approached the panchayat members, they suggested to keep his daughter with him, otherwise they would kill her. Thereafter, an inquiry was conducted and on the basis of legal opinion of District Attorney (Legal), FIR (*supra*) was registered against the accused persons.

4. The petitioner was convicted vide judgement dated 09.02.2012 by learned trial Court, which had also been upheld by lower appellate Court vide judgment dated 23.01.2015.

5. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 09.02.2012 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 04 months and 01 day.

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 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 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.

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

10. The FIR in the present case was lodged on 15.07.2004 and the petitioner has been suffering the agony of trial since the last 20 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, the petitioner has undergone actual sentence of 03 months and 04 days, out of total sentence of 04 months and 01 day in the instant case, as on 27.04.2015, as his sentence was suspended in the present case vide order dated 28.04.2015.

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.

2024:PHHC:094862



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

- (i) The judgment dated 23.01.2015 passed by learned Additional Sessions Judge, Ferozepur, affirming the judgment of conviction dated 09.02.2012, is upheld, however, the order of sentence of even date is modified to the extent that the sentence of rigorous imprisonment for two years along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.
- (ii) The sentence of fine of an amount of Rs.1,000/- imposed upon the petitioner by learned trial Court is increased to Rs.5,000/-. The petitioner is directed to deposit the increased amount of fine in learned 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.

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

[HARPREET SINGH BRAR]
JUDGE

25.07.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No