



892

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-646-2018
Date of decision: 26.09.2024

SATNAM SINGH

V/S

STATE OF HARYANA AND ANOTHER

...PETITIONER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lalit Kashyap, Advocate for
Mr. Namit Khurana, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision has been preferred against the judgment dated 20.12.2017 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, vide which, judgment of conviction and order of quantum of sentence dated 18.11.2015 passed by learned Judicial Magistrate Ist Class, Jagadhri, in case bearing FIR No.58 dated 04.04.2013 registered under Sections 498-A/406/506 of IPC at Police Station Chhapar has been upheld.

2. Petitioner was sentenced as under:

Offence	Sentence
498-A IPC	RI for 02 years with a fine of Rs.500/-, in default of which, to undergo for 01 month.
406 IPC	RI for 06 months with a fine of Rs.200/-, in default of which, to undergo for 01 week.
506 IPC	RI for 02 months with a fine of Rs.300/-, in default of which, to undergo for 01 week.

3. The brief facts leading to the filing of the instant petition are that the instant case was registered on the statement of Kusum, who stated that she got married with the petitioner 6-7 years ago. Out of the wedlock, one son and



one daughter were born. However, the husband and in-laws of the complainant were not happy with the dowry articles given at the time of marriage. In this way, the dispute arose between the complainant and the petitioner and his family. The petitioner and his family started harassing the complainant and gave her beatings. Thereafter, the complainant along with her minor children was thrown out of her matrimonial home. Hence, the FIR (supra) was registered.

4. Petitioner was convicted vide judgment dated 18.11.2015 by the learned trial Court, which has also been upheld by lower Appellate Court vide judgment dated 20.12.2017.

5. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 18.11.2015 on merits and restricts his prayer to modification of the order of quantum of sentence to that of the sentence already undergone by petitioner, as he has already undergone a period of 10 months and 10 days.

6. Per contra, learned State counsel 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. 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 04.04.2013 and petitioner has been suffering the agony of protracted trial for more than last 11 years. Since his conviction, petitioner has grown into a law-abiding citizen and desires to live a peaceful life. As per his custody certificate, has undergone



actual sentence of 07 months and 28 days out of total sentence of 02 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 petitioner is reduced to the period already undergone by him.

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

(i) The judgment dated 20.12.2017 passed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, affirming the judgment of conviction is upheld, however, the order of sentence dated 18.11.2015 is modified to the extent that the sentence of rigorous imprisonment for 02 years along with default mechanism awarded to 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 petitioner by the trial Court is increased to Rs.5,000/-. 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, shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month.

September 26, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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