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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-S-2483-2024 (O&M)
Date of decision: 02.08.2024

Amandeep

....Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manoj Tanwar, Advocate
for the appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This appeal has been preferred against the judgment of conviction dated 10.07.2024 and order of quantum of sentence dated 12.07.2024 passed by the learned Additional Sessions Judge, Special Court, Kaithal, in FIR No.51 dated 07.04.2020 under Sections 304-B/406/498-A of the Indian Penal Code (for short 'IPC'), registered at Police Station Guhla.

2. The appellant was convicted and sentenced under Sections 498-A/306 of IPC and was ordered to undergo rigorous imprisonment for a period of 04 years and to pay total fine of Rs.15,000/- along with default mechanism.

3. Brief facts of the case are that on 07.04.2020 when the police received a telephonic information that victim/Bhateri had ended her life by hanging, police reached at the house where the brother of the deceased got recorded his statement that his sister, namely, Bhateri (deceased) got married to Amandeep on 12.03.2016 as per Hindu rites and had been give sufficient dowry. It is further alleged that the husband of her deceased sister and her in-

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laws used to harass her for bringing less dowry, on account of which, one year ago, she came to his village Rajound due to harassment being made by her in-laws. Thereafter, panchayat was convened and she was sent back. On 07.04.2020 at about 09:00 A.M., his sister informed her parents telephonically that her husband and in-laws have given beatings to her and then again, he received telephonic call from Raman Kumar (brother-in-law) that his sister, Bhateri has expired. The matter was reported to concerned police station, on which formal FIR was registered against the accused persons.

4. The appellant was convicted vide judgement dated 10.07.2024 by the learned Additional Sessions Judge, Special Court, Kaithal.

5. Learned counsel for the appellant contends that he is not assailing the impugned judgment of conviction dated 10.07.2024 on merits and restricts his prayer to modification of the order of quantum of sentence dated 12.07.2024, to that of the sentence already undergone by the appellant, as he has already undergone a period of 03 years 04 months and 17 days and is not involved in any other criminal activity.

6. Per contra, learned State counsel opposes the prayer of the appellant, as the learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record 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

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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 the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the appellant 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 07.04.2020 and the appellant has been suffering the agony of trial since the last 04 years. Since his



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conviction, the appellant has grown into a law-abiding citizen and desires to live a peaceful life. As per his custody certificate dated 01.08.2024, the appellant is not involved in any other case and has undergone actual sentence of 03 years 05 months and 07 days, out of total sentence of 04 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 appellant is reduced to the period already undergone by him.

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

- (i) The judgment of conviction dated 10.07.2024 is upheld, however, the order of sentence dated 12.07.2024 is modified to the extent that the sentence of rigorous imprisonment for 04 years along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.
- (ii) The sentence of fine of an amount of Rs.15,000/- imposed upon the appellant by the learned trial Court is increased to Rs.20,000/-. The appellant is directed to deposit the amount of fine in the 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 appellant 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

02.08.2024
Neha

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