



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR-1728-2024 (O&M)
Date of decision: September 19th, 2024

Ram Avtar
.....Petitioner
Versus

State of Haryana and another
....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Randeep S. Dhull, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is challenging the judgment dated 06.08.2024 passed by learned Additional Sessions Judge, Bhiwani, whereby the appeal preferred by him against the judgment of conviction dated 05.02.2016 and order of sentence dated 08.02.2016 passed by learned Additional Chief Judicial Magistrate, Bhiwani, in case FIR No.18 dated 20.01.2008 under Sections 420 467 468 and 471/120B of the IPC registered at Police Station Civil Lines, Bhiwani, vide which the petitioner was convicted and sentenced as follows, was dismissed:-

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
420 r/w 120B IPC	RI for 2 years	₹3,000/-	S.I. for 1 month
467 r/w 120B IPC	RI for 3 years	₹5,000/-	S.I. for 2 months
468 r/w 120B IPC	RI for 3 years	₹5,000/-	S.I. for 2 months
471 r/w 120B IPC	RI for 1 year	-	-



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2. All the sentences were ordered to be run concurrently.

3. At the outset, learned counsel for the petitioner has fairly conceded that, in light of the factual findings recorded by the learned trial Court, he will not press the instant petition on its merits. Instead, learned counsel seeks relief solely concerning the quantum of the sentence. Learned counsel argues that the occurrence in question occurred in 2008, and the petitioner has endured the agony of a protracted trial for over 14 years. He further submits that the petitioner has led disciplined life since the crime in question and has not been involved in any other criminal case. Additionally, he has already served 1 year and 14 days of his substantive sentence of three years. Given these facts and circumstances, the learned counsel for the petitioner prays that a lenient view be taken and the quantum of sentence awarded by the learned trial Court be reduced to the period already undergone by the petitioner, as further imprisonment would serve no useful purpose. It has been submitted that petitioner is willing to pay enhanced fine, which may be imposed by this Court.

4. Learned counsel for the State has, on instructions, not disputed that after the occurrence in question in the year 2008, the petitioner has maintained good conduct and has not been involved in any other untoward incident or criminal case. Learned counsel for the State has also filed the custody certificate of the petitioner, which is taken on record subject to all just exceptions.

5. I have heard learned counsel for the parties and perused the relevant material on record.



6. In view of the fact that the occurrence in question pertains to the year 2008, and as has not been disputed by the learned State counsel, the petitioner has been leading a disciplined life ever since then, this Court does not deem it appropriate to send the petitioner behind bars at this juncture.
7. The ends of justice would be, thus, met if while maintaining the conviction of the petitioner, his substantial sentence of three years is reduced to the period already undergone.
8. Ordered accordingly.
9. However, the fine imposed upon the petitioner is increased from ₹13,000/- to ₹38,000/- as under:-

Offence(s) under Section	Fine imposed by trial Court	Enhanced to
420 r/w 120B IPC	₹3,000/-	₹8,000/-
467 r/w 120B IPC	₹5,000/-	₹15,000/-
468 r/w 120B IPC	₹5,000/-	₹15,000/-

- It is made categorically clear that if the enhanced fine of ₹25,000/- is not deposited with the trial or successor Court, within two months from the date of this order, the benefit of reduction of sentence will not accrue to the petitioner, and he will be required to serve out the remaining part of his sentence. On deposit of fine, enhanced amount of fine shall be disbursed to complainant against proper receipt.
10. With the aforesaid modifications, the revision petition stands disposed of.

September 19th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No