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demand of Bullet Motorcycle and also resorted to physical violence and further, returned the motorcycle to the parents of the complainant due to which many *panchayats* were convened but the in-laws of the complainant did not mend their ways. The matter was reported to concerned police station, on which formal FIR was registered against the accused persons.

4. The petitioner was convicted vide judgment dated 24.02.2023 by the learned trial Court, which has also been upheld by lower appellate Court vide judgment dated 25.10.2024.

5. Learned counsel for the petitioner contends that there is no corroborative evidence to the case set up by the complainant. Further, in the entire evidence, no specific time and date has been mentioned on which the complainant has been subjected to harassment on account of demand of dowry and the event of payment of Rs.25,000/- to the petitioner by the father of the complainant is too far fetched and improbable. He further submits that on the same set of allegations, two of the co-accused have been acquitted and that he is not assailing the impugned judgment of conviction dated 24.02.2023 on merits and restricts his prayer to modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioner, as he has already undergone a period of 01 month and 19 days and is not involved any other case. The petitioner currently 37 years of age and the lower Courts below have not granted the benefit of probation to him.

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

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upheld by the 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.

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

10. The FIR in the present case was lodged on 29.10.2014 and the petitioner has been suffering the agony of trial since the last 10 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 dated 10.12.2024, the petitioner is involved in one more case bearing Case No.9161 dated 21.11.2018 in which his custody has been completed on 09.07.2020 and has undergone actual sentence of 01 month and 19 days, out of total sentence of 03 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 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 25.10.2014 passed by the learned Additional Sessions Judge, Jalandhar, affirming the judgment of conviction dated 24.02.2023 is upheld, however, the order of sentence dated 24.02.2023 is modified to the extent that the sentence of rigorous imprisonment for three 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.2,000/- imposed upon the petitioner by the learned trial Court is increased to Rs.6,000/-. The petitioner 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 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

11.12.2024
Neha

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