HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Revision Petition No. 1131/2006

Pappu Lal, S/o Chand Shah, R/o Sewa, Police Station Dudu, District Jaipur Raj.

----Petitioner

Versus

State of Rajasthan through P.P.

----Respondent

For Petitioner(s)	:	Mr. Sankalp Sogani & Ms. Muskan Verma
For Respondent(s)	:	Mr. Amit Punia, PP

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

11/12/2024

1. The present criminal revision petition has been filed by the accused- petitioner under Section 397/401 Cr.P.C. assailing the judgment of conviction and sentence dated 22.11.2003 passed by the Court of learned Civil Judge (Junior Division) & Judicial Magistrate First Class, Niwai, District Tonk (Raj.)(for short the 'trial Court') in Criminal Case No. 476/2001 (403/2001), whereby the learned trial Court convicted the accused- petitioner for the offence punishable under Section 279 IPC to undergo four months' simple imprisonment and a fine of Rs.1000/-, and in default of payment of fine to further undergo fifteen days' simple imprisonment, for offence under Section 337 IPC to undergo four months' simple imprisonment and a fine of Rs.500/- and in default of payment of fine to further under ten days' simple imprisonment & for offence under Section 304-A IPC to undergo two years

simple imprisonment and a fine of Rs. 2000/- and in default of payment of fine, to further undergo twenty days' simple imprisonment. The petitioner has further challenged the judgment dated 20.09.2006 passed by the Court of learned Special Judge SC/ST (Prevention of Atrocities) Cases, Tonk (for short the 'Appellate Court') in Criminal Appeal No. 15/2005, whereby the learned appellate Court partly allowed the appeal and while maintaining the conviction of the accused-petitioner, altered the sentence of the accused-petitioner under Section 279 & 337 of IPC separately to undergo three months simple imprisonment and a fine of Rs.500/-, and in default of payment of fine to further undergo one week's simple imprisonment and for offence under Section 304-A IPC to undergo six months simple imprisonment and a fine of Rs.1000/- and in default of payment of fine to further undergo fifteen days simple imprisonment.

2. Learned counsel for the revisionist- petitioner submits that the sentence, so awarded to the revisionist-petitioner, was suspended by the Court vide its order dated 17.10.2006. Counsel makes only a limited prayer that without making any interference on merits/conviction, the sentence awarded to the present revisionist-petitioner may be substituted with the period of sentence already undergone by him.

3. Learned Public Prosecutor has vehemently opposed the prayer made by learned counsel for the revisionist-petitioner.

4. Heard. Perused the record.

5. In **Mohd. Firoz Vs. State of Madhya Pradesh (Criminal Appeal No.612/2019, decided on 19.04.2022),** wherein the Hon'ble Apex Court, owing to the special facts &

circumstances of the case, while reducing the sentence for offences under the relevant Section of the concerned Statute, observed as under:-

"43……..we are reminded of what Oscar Wilde has said -"The only difference between the saint and the sinner is that every saint has a past and every sinner has a future". **One of the basic principles of restorative justice as developed by this Court over the years, also is to give an opportunity to the offender to repair the damage caused, and to become a socially useful individual, when he is released from the jail. The maximum punishment prescribed may not always be the determinative factor for repairing the crippled psyche of the offender."**

(Emphasis supplied)

This Court, therefore, observes, as is revealed from hereinabove, that the Hon'ble Apex Court, in **Mohd. Firoz (supra),** held that the Court may, in the interest of justice, reduce the sentence awarded to the accused. More so, this would be directed when the matter is an old one, and a deserving case at that, to reduce the sentence awarded to an accused person, to the time/sentence already served by him. Similarly, in special acts, with regard to the age/pendency of the matter, depending on the facts & circumstances of the case, this Court may deem it a fit case for applying the same aforementioned principle to reduce the sentence awarded to the period already undergone by them.

6. This Court is conscious of the judgments rendered in, **Alister Anthony Pareira Vs. State of Maharashtra (2012) 2 SCC 648 and Haripada Das Vs. State of W.B. (1998) 9 SCC 678** wherein the Hon'ble Apex Court observed as under:-

Alister Anthony Pareira (Supra)

> *"There is no straitjacket formula for sentencing an accused on proof of crime. The courts have evolved certain principles: twin objective of the sentencing policy is deterrence and correction. What sentence would meet the ends of justice*

depends on the facts and circumstances of each case and the court must keep in mind the gravity of the crime, motive for the crime, nature of the offence and all other attendant circumstances."

Haripada Das (Supra)

"...considering the fact that the respondent had already undergone detention for some period and the case is pending for a pretty long time for which he had suffered both financial hardship and mental agony and also considering the fact that he had been released on bail as far back as on 17-1-1986, we feel that the ends of justice will be met in the facts of the case if the sentence is reduced to the period already undergone..."

7. The present matter pertains to an incident which occurred in year 2001 and this revision petition has been pending since year 2006. The parties are said to be living peacefully in the intervening period and no adverse material or other criminal case is found to be registered against the petitioner.

8. Hence, in light of the limited prayer made on behalf of the petitioner and keeping in mind the aforementioned precedent laws, the present revision petition is partly allowed. Accordingly, while maintaining the conviction of the petitioner for the offence(s) under Section 279, 337 & 304-A I.P.C., the sentence awarded to the revisionist-petitioner is reduced to the period already undergone by him. The petitioner is not in judicial custody, thus, he need not surrender. His bail bonds stand discharged accordingly.

9. Pending application(s), if any, also stands disposed of.

(GANESH RAM MEENA),J

ARTI SHARMA /16