

Date of decision: 05.03.2025

ALIM AND ANOTHER
V/S
...APPELLANTS

LACHHMAN **...APPELLANT**
V/S

RANBIR **...APPELLANT**
V/S

HARPREET SINGH BRAR, J. (ORAL)

2. The instant appeal has been preferred against the judgment of



conviction dated 16.08.2005 and order of sentence dated 18.08.2005 passed by learned Additional Sessions Judge (*Ad hoc*), Faridabad in case stemming from FIR No.150 dated 08.07.2000 registered under Sections 307/323/34 IPC at Police Station Chhainsa.

3. Learned counsel for the appellants submits that appellant No.2, namely, Rahish Khan in CRA-S-1518-SB of 2005, has passed away during the pendency of the present appeal. As such, proceedings qua appellant No.2- Rahish Khan in CRA-S-1518-SB of 2005 has already been abated vide order dated 10.09.2018 passed by this Court.

4. The remaining appellants were sentenced as under:

Name of appellant(s)	Offence under Section(s)	Sentence
Ranbir	323 IPC	RI for 06 months with a fine of Rs.500/-, in default of payment of fine to undergo RI for 01 month.
	307 IPC	RI for 07 years with a fine of Rs.2,000/-, in default of payment of fine to undergo RI for 06 months
Lachman and Alim	323/149 IPC	RI for 06 months with a fine of Rs.500/- each, in default of payment of fine to undergo RI for 01 month each.
	307/149 IPC	RI for 05 years with a fine of Rs.2,000/- each, in default of payment of fine to undergo RI for 06 months each
It was ordered that all the sentences shall run concurrently.		

5. Learned counsel for the appellants contends that he is not assailing the impugned judgment of conviction dated 16.08.2005 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the appellants. As per their custody certificates, appellant-Alim has undergone actual period of 01 month and 23



days; appellant-Lachhman has undergone actual period of 05 month and 04 days; appellant-Ranbir Singh has undergone actual period of 02 years and 16 days and they are not involved in any other case.

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

9. 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.

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

11. The FIR (*supra*) in the present case was lodged on 08.07.2000 and the appellants have been suffering the agony of trial for last more than 24 years. Since their conviction, the appellants have grown into law-abiding citizens and desire to live a peaceful life. As per their custody certificates, appellant-Alim has undergone actual period of 01 month and 23 days; appellant-Lachhman has undergone actual period of 05 month and 04 days; appellant-Ranbir Singh has undergone actual period of 02 years and 16 days and they are not involved in any other case.

12. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the appellants is reduced to the period already undergone by them.

13. Consequently, all the appeals are disposed of and the judgment of conviction dated 16.08.2005 passed by the learned Additional Sessions Judge (*Ad hoc*), Faridabad is upheld, however, the order of sentence dated



18.08.2005 is modified to the extent that the sentence of rigorous imprisonment for seven years awarded to appellant-Ranbir and for five years awarded to appellants-Lachhman and Alim along with payment of fine with default mechanism, is reduced to the period of sentence already undergone by them.

14. A photocopy of this order be placed on the file of other connected cases.

March 05, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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