

CRR-601-2023
Date of decision: 03.04.2025

...PETITIONERS

STATE OF HARYANA

...RESPONDENT

Present: Mr. L.K. Gollen, Advocate for the petitioners.
Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 20.02.2023 passed by learned Additional Sessions Judge, Hisar vide which, judgment of conviction dated 05.04.2013 and order on quantum of sentence dated 08.04.2013 passed by learned Additional Chief Judicial Magistrate, Hisar have been upheld, in case stemming from FIR No.389 dated 08.06.2005 registered under Sections 323/324/326/148/149/506 of IPC at Police Station Sadar Hisar and the petitioners were sentenced by learned trial Court as under :

Petitioner(s) name	Offence under Section(s)	Sentence
Ramesh and Krishan	323 IPC	RI for six months each with a fine of Rs.500/- each, in default of payment of fine, SI for two weeks each.
Pawan	326 IPC	RI for 03 years with a fine of Rs.1,000/-, in default of payment of fine, SI for two weeks and a compensation of Rs.4,000/- as compensation to injured Rajender.

2. The petitioners preferred an appeal before learned lower Appellate Court, which was also dismissed. However, compensation amount



of Rs.4,000/- has been enhanced to Rs.50,000/- to be paid by the petitioner-Pawan to injured Rajender.

3. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 20.02.2023 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioners. As per the custody certificates, petitioners-Krishan and Ramesh have undergone a period of more than 15 days and petitioner-Pawan Kumar has undergone a period of 05 months and 19 days (including remission) and all of them are not involved in any other case.

4. *Per contra*, learned State counsel opposes the prayer of the petitioners as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned lower Appellate Court and as such, they do not deserve any leniency.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. 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.

7. 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.

8. 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. It transpires that the petitioners were convicted under Sections 323/326 of IPC, for which no minimum punishment has been prescribed. Moreover, learned counsel for the petitioners has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

9. The FIR in the present case was lodged on 08.06.2005 and the petitioners have been suffering the agony of trial for the last more than 19 years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. As per the custody certificates, petitioner-Ramesh has undergone a period of 16 days; petitioner-Krishan has



undergone a period of 17 days and petitioner-Pawan Kumar has undergone a period of 05 months and 19 days (including remission) and all of them are not involved in any other case.

10. Since there is no minimum punishment prescribed under Sections 323/326 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioners is reduced to the period already undergone by them.

11. Consequently, the present petition is disposed of in the following terms :-

- (i) the judgment dated 20.02.2023 passed by the learned Additional Sessions Judge, Hisar affirming the judgment of conviction is upheld, however, the order of sentence dated 08.04.2013 is modified to the extent that the sentence of rigorous imprisonment for six months and fine with default mechanism awarded to petitioners-Krishan and Ramesh and rigorous imprisonment for three years and fine with default mechanism awarded to petitioner-Pawan Kumar is reduced to the period of sentence already undergone by them.
- (ii) The amount of compensation of Rs.50,000/- imposed upon the petitioner-Pawan, by the learned lower Appellate Court shall remain intact and the petitioner shall pay the injured-Rajender, if not paid by the petitioner-Pawan, within 08 weeks.

April 03, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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