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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-699-2023 (O&M)
Date of Decision: 31.01.2025

Ram Singh...Petitioner

Versus

State of Punjab...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gagandeep Singh Brar, Advocate for
Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 01.02.2023 passed by learned Additional Sessions Judge, Moga vide which, judgment of conviction and order on quantum of sentence dated 17.05.2017 passed by learned Judicial Magistrate Ist Class, Moga in case bearing FIR No.124 dated 30.07.2015 under Section 420 of IPC, 1860 registered at Police Station Dharamkot, District Moga, have been upheld.

2. The petitioner was sentenced as under:

Offence u/s	Sentence	Fine	In default of payment of fine
420 IPC	To undergo RI for 03 years.	Rs.4,000/-	To undergo for a period of one month.

3. Brief facts of the case are that on 30.07.2015, Mohar Singh

Sarpanch of village Roshanwala, District Moga got recorded his statement to ASI Lakhwinder Singh stating that on 30.07.2015 at about 10.00 a.m., one person came to him for preparing Labh Patri Card of poor people of village and showed his identity card bearing No.164/2014 to him and disclosed his name as Ram Singh (petitioner) son of Jarnail Singh, resident of Village Galoti, Tehsil Dharamkot, District Moga. Said person expressed that he had been authorized by Mrs. Neetika Verma, the then Chief Judicial Magistrate-cum-Secretary, District Legal Service Authority, Moga. At this, he asked the poor people of his village for getting prepare Labh Patri Card. Thereafter, said Ram Singh (petitioner) started filling forms and charged Rs.150/- from each person. In the meanwhile, he came to know from Resham Singh sarpanch of village Ijjatwala that a person also came to their village for preparing 20 Labh Patri Cards and charged Rs.3,000/- in total. On the basis of suspicion, he along with said Resham Singh left Ram Singh (petitioner) at the spot and left for Police Station. On the basis of his complaint, FIR (*supra*) was registered.

4. The petitioner was convicted and sentenced vide judgment and order dated 17.05.2017 passed by learned trial Court, which have also been upheld by learned lower Appellate Court vide judgment dated 01.02.2023.

5. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 01.02.2023 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. Petitioner has undergone a total period of 01 year and 22 days, including remission and custody after conviction.

6. *Per contra*, learned State counsel opposes the prayer of the petitioner 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, 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 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. 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.

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. Moreover, 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 30.07.2015 and the petitioner has been suffering the agony of protracted trial for last about 09 years. Since his conviction, the petitioner has grown into law-abiding citizen and desire to live a peaceful life. As per his custody certificate, he is not involved in any other case and has undergone total sentence of 01 year and 22 days, including remission 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 petition is disposed of in the following terms:-

(i) The judgment dated 01.02.2023 passed by the learned Additional Sessions Judge, Moga affirming the judgment of conviction is upheld, however, the order of sentence dated 17.05.2017 is modified to the extent that the sentence of rigorous imprisonment for 03 years along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him subject to the fine of an amount of Rs.20,000/- upon the petitioner.

(ii) The petitioner is directed to deposit the amount of fine in the 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.

31.01.2025
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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