

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision: 28.03.2025

....Petitioners

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 15.11.2006 passed by the learned Additional Sessions Judge, Jalandhar, vide which the appeal against judgment of conviction and order of sentence dated 13.05.2005 passed by the learned Judicial Magistrate 1st Class, Phillaur, in FIR No.99 dated 30.05.2001 filed under Sections 406/420 of IPC, has been modified. The petitioners were sentenced as under:

Offence	Sentence
Section 420 of IPC	Rigorous Imprisonment for 02 years each and a fine of Rs.2,500/- each, in default of which Rigorous Imprisonment for 30 days.

2. After assessing the material available on record, the learned trial Court convicted the petitioners vide judgment dated 13.05.2005. Aggrieved by the same, the petitioners preferred an appeal before the learned lower Appellate Court, vide which the sentence dated 13.05.2005 passed by the learned trial Court has been modified to the extent of one year instead of two years.

3. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 15.11.2006 on merits and restricts

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his prayer to modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioners, as petitioner No.1 has already undergone a period of 01 month and 01 day in custody and petitioner No.2 has already undergone a period of 01 month and they are not involved in any other criminal activity.

4. *Per contra*, learned State counsel opposes the prayer of the petitioners as the learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record and as such, they do not deserve any leniency.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioners were convicted under Section 420 of IPC for which no minimum punishment has been prescribed. As per their custody certificates, petitioner No.1 has already undergone a period of 01 month and 01 day in custody and petitioner No.2 has already undergone a period of 01 month out of total sentence of one year, in the instant case. Since there is no minimum punishment prescribed under Section 420 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.

6. In ***Deo Narain Mandal vs. State of U.P. (2004) 7 SCC 257***, 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

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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, 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 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. However, the FIR (supra) was lodged on 30.05.2001 and the petitioners have been suffering the agony of trial for last more than 23 years. Since their conviction, they have grown into a law-abiding citizen and desire to live a peaceful life.

9. Therefore, in view of the discussion above, the present revision petition is disposed of in the following terms:-

- (i) The judgment dated 15.11.2006 passed by the learned Additional Sessions Judge, Jalandhar, vide which while upholding

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the judgment of conviction passed by the learned trial Court, sentence of petitioners was reduced from two years to one year, is upheld and sentence of one year and fine awarded by the learned Appellate Court is further reduced to the period of sentence already undergone by the petitioners.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.03.2025*Neha*

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