



CRR-830-2007 (O&M)

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202 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-830-2007 (O&M)
Date of Decision: 01.07.2025

PIARA SINGH AND OTHERS ...PETITIONERS

Versus

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mandeep Kaushik, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. The prayer in the present revision petition is to set aside the judgment dated 26.04.2007 passed by learned Additional Sessions Judge (Adhoc), Fast Track Court, Ludhiana vide which judgment of conviction and order on quantum of sentence dated 14.09.2005 passed by learned Judicial Magistrate Ist Class, Ludhiana have been upheld wherein the petitioners have been convicted under Sections 323, 451 of Indian Penal Code in the case stemming from FIR No. 130 dated 15.05.2002 registered at Police Station Salem Tabri.

2. The petitioners were sentenced for forcibly entering into the house of complainant with intention to cause hurt, as mentioned below:

Offence under Section	Sentence	Fine	Sentence in default of payment of fine
451 of IPC	Rigorous imprisonment for 06 months each	Rs. 200/- each	Further rigorous imprisonment for 15 days each
323 of IPC	Rigorous imprisonment for 03 months each	-	-
Both the sentences were ordered to run concurrently			

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3. Learned Counsel for the petitioners submits that he is not assailing the impugned judgment of conviction dated 26.04.2007 passed by learned Additional Sessions Judge (Adhoc), Fast Track Court, Ludhiana on merits and restricts his prayer to modification of the order on quantum of sentence dated 14.09.2005 passed by learned Judicial Magistrate Ist Class, Ludhiana to that of sentence already undergone by the petitioners as petitioners-Piara Singh and Rajwinder Kaur have already undergone a period of 01 month and 04 days and petitioner-Seema has already undergone a period of 01 month and 06 days out of total sentence of 06 months each imposed upon them.

4. Per contra, learned State counsel opposes the prayer of the petitioners on the ground that learned Courts below have passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, the petitioners 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 for forcibly entering into the house of complainant with intention to cause hurt, attracting the offences under Sections 451 and 323 of IPC, for which no minimum punishment has been prescribed. As per their custody certificate, they are not involved in any other case and petitioners-Piara Singh and Rajwinder Kaur have already undergone a period of 01 month and 04 days and petitioner- Seema has already undergone a period of 01 month and 06 days out of total sentence of 06 months each imposed upon them. 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 order on quantum of sentence. Since there is no minimum punishment prescribed under Sections 451 and 323 of IPC, this Court is of the opinion that it would be in the interest of justice, if



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the sentence awarded to the petitioners is reduced to the period already undergone by them.

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 lower Appellate Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. However, the FIR

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(supra) was lodged on 15.05.2002 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 citizens and desire to live a peaceful lives.

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

(i) The judgment dated 26.04.2007 passed by learned Additional Sessions Judge (Adhoc), Fast Track Court, Ludhiana is upheld.

(ii) The order of sentence dated 14.09.2005 passed by learned Judicial Magistrate Ist Class, Ludhiana is modified to the extent that the sentence of rigorous imprisonment for 06 months each along with total fine of Rs. 200/- each with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.

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

(HARPREET SINGH BRAR)
JUDGE

01.07.2025*Ajay Goswami**Whether speaking/reasoned**Whether reportable**Yes/No**Yes/No*