



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1242-2008 (O&M)

Date of decision: 26th August, 2025

Rajesh Kohli

... Petitioner

Versus

Union Territory, Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.S. Sidhu, Advocate, for the petitioner.
Mr. Balram Singh, Addl. Public Prosecutor
for the respondent/UT.

MANJARI NEHRU KAUL, J.

1. The instant revision petition has been filed to impugn the judgment of conviction and order of sentence dated 23.04.2001 passed by the Court of learned Judicial Magistrate 1st Class, Chandigarh vide which the petitioner was convicted and sentenced as under:

Under Section	Sentence	In default of payment of fine
466 IPC	To undergo rigorous imprisonment for three years with a fine of ₹ 500/-	To further undergo rigorous imprisonment for one month.
467 IPC	To undergo rigorous imprisonment for three years with a fine of ₹ 500/-	To further undergo rigorous imprisonment for one month.
468 IPC	To undergo rigorous imprisonment for three years with a fine of ₹ 500/-	To further undergo rigorous imprisonment for one month.

All the substantive sentences were ordered to run concurrently.

2. The appeal preferred against the impugned judgment of conviction and order of sentence was dismissed by the Court of learned Addl. Sessions Judge, Chandigarh vide judgment dated 08.07.2008.

3. Learned counsel for the petitioner, at the outset, fairly submits that in view of the concurrent findings of fact recorded by both the learned Courts below, the petitioner does not wish to assail the conviction on merits. He confines his submissions only to the question of sentence.

4. It is urged on behalf of the petitioner that the occurrence in question dates back to the year 1994, and since then the petitioner has been facing the agony of protracted criminal proceedings. It is pointed out that the petitioner has already remained in custody for a period of 26 days. Learned counsel further submits that the petitioner is a peace-loving citizen, has been leading a disciplined life, and has no other criminal antecedents. In such circumstances, it is prayed that a lenient view be taken, as no useful purpose would be served by subjecting the petitioner to further incarceration after more than 3 decades of litigation.

5. Per contra, learned Addl. Public Prosecutor for the UT Chandigarh has opposed the prayer for reduction of sentence and supported the findings recorded by the Courts below. However, the learned standing counsel does not dispute the factual position that subsequent to the incident of 1994, the petitioner has been maintaining good conduct and has not been involved in any other criminal case.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The Hon'ble Supreme Court, in '**K Pounammal vs. State Represented by Inspector of Police**' 2025 INSC 1014, while considering the effect of protracted criminal proceedings and balancing the interest of justice with the mitigating circumstances of the appellant held as under:

“9. The prolongation of a criminal case for an unreasonable period is in itself a kind of suffering. It amounts to mental incarceration for the person facing such proceedings. For a person who is convicted and who has appealed against his or her conviction and sentence and who everyday awaits the fate of litigation, spends time in distress. In the present-day system of administration of justice, in which proceedings have often go on protracted unreasonably and therefore unbearably, the passage of long time itself makes the person suffer a mental agony.

10. The aspects in the present case as highlighted above that the incident had occurred more than 22 years ago and that the age of the widow appellant is 75 years who stays alone, the Court finds it appropriate that she may not be made to undergo the imprisonment again. In the totality of the facts and circumstances, the imprisonment already undergone by her is treated to be adequate sentence.”

8. Adverting to the facts of the present case, it is not disputed that the FIR pertains to the year 1994, and that in the three decades since the occurrence, the petitioner has not involved himself in any other criminal activity. Rather, he has been leading a disciplined and law-abiding life. He has already undergone incarceration for a period of 26 days and, most importantly, has suffered the ordeal of prolonged trial proceedings for over 30 years.

9. In these circumstances, this Court is of the considered view that it would not be just and proper to send the petitioner back to prison at this stage of his life. The ends of justice would be adequately met if, while maintaining the conviction of the petitioner, his substantive sentence of rigorous imprisonment for a period of 3 years is reduced to the period already undergone by him. Ordered accordingly. There shall be no modification with regard to sentence of fine.

10. With the aforesaid modification in the quantum of sentence, the present petition stands disposed of.

11. All CM applications pending in the case also stand disposed of.

(MANJARI NEHRU KAUL)
JUDGE

August 26, 2025

rps

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