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

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CRR-1415-2008

Date of decision : 06.11.2025

RAJ KAPOOR

... PETITIONER

VERSUS

STATE OF HARYANA

.. RESPONDENTS

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Ms. Sweta Beniwal, Advocate and
Mr. Sankalp Dhanda, Advocate for
Mr. Aman Pal, Senior Advocate for the petitioner.

Mr. Gautam Kaile, DAG, Haryana.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the judgment dated 02.07.2008 passed by Id. Addl. Sessions Judge, Kaithal, vide which the judgment of conviction and order of sentence dated 02.05.2006 passed by Id. Judicial Magistrate Ist Class, Kaithal has been upheld whereby the petitioner was convicted and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs. 3,000/- for the commission of offence punishable under Section 409 of IPC. IN default of payment of fine, to further undergo simple imprisonment for four months.

2. The brief facts of the case are that the petitioner, serving as Branch Post Master at Guhna, was accused of misappropriating public funds. On 27.01.1997, the office of the S.P., Kaithal, received a request to register a case against the petitioner based on a report by the Divisional Inspector (Posts), Kaithal, dated 02.12.1996. It was alleged that the petitioner had misappropriated funds from various savings and recurring deposit accounts of



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customers, by making entries in their passbooks without updating the official records.

3. Learned counsel for the petitioner contends that she is not assailing the impugned judgment of conviction on merits and restricts her prayer qua modification of the order on quantum of sentence. She also contends that the petitioner has undergone custody for a period of 01 month and 08 days out of the awarded sentence of three years. The petitioner is not involved in any other case. She prays that since FIR in question pertains to the year 1997, a lenient view may be taken while passing an order on quantum by this Court.

4. Learned State counsel opposes the prayer of the petitioner and has filed the custody certificate in Court, which is taken on record. He further submits that the Courts below have passed a well reasoned judgment based on correct appreciation of evidence available on record. He has not refuted the fact that the petitioner is not involved in any other case.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The FIR in the present case pertains to the year 1997 and the petitioner already faced the rigors of trial for more than 28 years.

7. Hon'ble the Supreme Court in "*Deo Narain Mandal Vs. State of UP*", (2004) 7 SCC 257, has held 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, the manner in which the offence is committed, age of the petitioner, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant



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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.

8. Further, a Division Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166***, has held 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 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 judgments passed by the Courts below indicates no perversity in their findings and the same are based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgments, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 1997. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial, spanning over a period of more than 28 years and have been in the corridors of the court for this prolonged period. In view of the facts noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also deserves the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble



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Supreme Court in the cases of *Haripada Das Vs. State of West Bengal* reported in (1998) 9 SCC 678 and *Alister Anthony Pareira vs. [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra* reported in 2012 2 SCC 648 and considering the facts and circumstances of the case, age of the petitioner, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met if sentence imposed upon the petitioner is reduced to the period as already undergone by them.

11. Accordingly, judgments passed by the Id. Appellate Court as well as Id. Judicial Magistrate Ist Class, Kaithal are hereby affirmed but the quantum of sentence awarded by the Courts concerned under Section 409 of IPC has been modified and reduced to the period of sentence as already undergone by him. The petitioner is on bail. He need not surrender. His bail bonds are discharged. However, the amount of fine of Rs.3,000/- imposed upon the appellant by the Id. Trial Court is enhanced to Rs. 7,000/- . The appellant is directed to deposit the enhanced amount of fine in learned trial Court within a period of one month from the date of receipt of certified copy of this order and in case of default of payment of fine, he will be liable to be taken into custody and made to undergo simple imprisonment for a period of four months.

12. With these modifications, the present revision petition is disposed of.

13. *Pending application(s), if any, shall also stand disposed of.*

(H.S.GREWAL)
JUDGE

06.11.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No