



CRR-1485-2008

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

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CRR-1485-2008

Date of Decision: 13.11.2025

Jaswant Singh and another

....Petitioners

VERSUS

State of Punjab

...Respondent

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

Present: Mr. L. S. Sidhu, Advocate, for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 01.08.2008 passed by the learned Additional Sessions Judge, Ferozepur, whereby the appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 10.03.2000 passed by the learned Judicial Magistrate First Class, Ferozepur, was dismissed, and the conviction was upheld. Vide the aforesaid judgment, the petitioners have been convicted for the offences punishable under Sections 465, 468, and 471 IPC and sentenced to undergo rigorous imprisonment for a period of two years, in case FIR No. 65 dated 06.03.1994, registered under Sections 120-B, 468, 471, 465 and 109 IPC at Police Station Sadar, Ferozepur.

2. The case of the prosecution is that the petitioners procured forged matriculation certificates from one Mohinder Singh, son of Bagu Singh, for a consideration of ₹3,500/- each. Upon inquiry, the allegations were found to be true, whereafter a formal FIR, i.e., FIR No. 65 dated 06.03.1994, was registered under Sections 120-B, 468, 471, 465 and 109 IPC at Police Station Sadar,



Ferozepur. After completion of investigation and trial, the learned trial Court, upon appraisal of the evidence and examination of the material witnesses, found the petitioners guilty and accordingly convicted and sentenced them to undergo imprisonment as mentioned hereinabove. The petitioners preferred an appeal before the learned appellate Court; however, the same was dismissed vide judgment dated **01.08.2008**, thereby affirming the findings recorded by the learned trial Court. Aggrieved by the said judgment, the petitioners have filed the present revision petition before this Court.

3. Learned counsel for the petitioner contends that the petitioners are not assailing the impugned judgment dated 01.08.2008 upholding the judgment of conviction and order of sentence passed by the trial Court on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the petitioners, as they have already undergone imprisonment for a period of more than 2 months and 27 days out of total sentence of 2 years (as reflected in the custody certificate dated 12.11.2025). Moreover, it is stated that FIR is of the year 1994 and the petitioners have been facing rigours of trial for the last 31 years, a lenient view may be taken while passing an order/ judgment by this Court.

4. On the other hand, learned State counsel opposes the prayer of the petitioner as mentioned hereinabove by submitting the custody certificates and submits that the learned trial Court and Ist Appellate Court have passed well-reasoned judgments based on correct appreciation of evidence available on record.

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



6. The petitioners have been convicted for making forged documents of matriculation certificate. Moreover, the FIR in the present case pertains to the year 1994 and the petitioners have already faced the rigors of the trial for more than 31 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 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.

8. Further, a two Judge 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 realize 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 judgment of conviction passed by the learned trial Court and learned appellate Court indicates no perversity in their findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioners has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioners.

10. Since there is no minimum punishment prescribed under Section 465/471/468 IPC and keeping in view the fact the FIR pertains to the year 1994 and the petitioners have faced the rigors of trial for a period of more than 31 years, therefore, while taking a lenient view, 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.

11. In view of above, the revision petition is disposed of by upholding the judgment dated 01.08.2008 passed by the learned Appellate Court, however, the order of sentence dated 01.08.2008 is modified to the extent that the sentence of rigorous imprisonment for a period of 2 years imposed upon the petitioners is reduced to that of a period as already undergone by them. However, the amount of fine imposed upon the petitioners is enhanced to ₹10,000/- each, to be paid within a period of one month from the date of receipt of certified copy of this order.

13.11.2025

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Whether speaking/ reasoned:

Whether Reportable:

Yes/No

Yes/No

(H.S. GREWAL)
JUDGE