



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRR-1553-2008 (O&M)
Date of decision: 08.05.2025

Jagmohan Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hitesh Pandit, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred against the judgment dated 31.07.2008 passed by the learned Additional Sessions Judge, Ludhiana, vide which judgment of conviction and order on quantum of sentence dated 15.01.2007 passed by the learned Judicial Magistrate Ist Class, Ludhiana, in FIR No.98 dated 14.05.1998 registered under Sections 332, 353, 186 IPC at Police Station Division No.6, Ludhiana District Ludhiana, have been upheld.
2. The petitioners were convicted by the learned trial Court and were sentenced as mentioned below:

Offence	Sentence
Section 332 IPC	Rigorous imprisonment for a period of 01 year each and to pay fine of Rs.200/- each and in default of payment of fine, to further undergo rigorous imprisonment for 07 days each.
Section 353 IPC	Rigorous imprisonment for a period of 01 year each and to pay fine of Rs.200/- each and in default of payment of fine, to further undergo rigorous imprisonment for 07 days each.



Both the sentences were ordered to run concurrently.

3. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 31.07.2008 on merits and restricts his prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioners, as the petitioners have already undergone a period of 03 months and 05 days each including remission and they are not involved in any other criminal activity.

4. *Per contra*, learned State counsel opposes the prayer of the petitioners on the ground that the learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned Lower Appellate Court 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 under Sections 332 and 353 IPC, for which no minimum punishment has been prescribed. As per custody certificate, the petitioners are not involved in any other case and have already undergone an actual sentence of 03 months and 05 days each including remission out of total sentence of 01 year, in the instant case. Since there is no minimum punishment prescribed under Sections 332 and 353 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 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, 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.

7. Further, a two-Judge Bench of 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 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 Courts below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the petitioners has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence already undergone by the petitioners.

9. The FIR in the present case was registered on 14.05.1998 and the petitioners namely Jagmohan Singh and Amrik Singh are suffering the agony of trial since the last about 27 years. Since their conviction, the petitioners have grown into a law-abiding citizen and desire to live a peaceful life.

10. Consequently, the present revision petition is disposed of in the following terms:-

- (i) *The judgment dated 31.07.2008 passed by the learned Additional Sessions Judge, Ludhiana, affirming the judgment of conviction dated 15.01.2007 is upheld.*
- (ii) *The order of sentence is modified to the extent that the sentence of rigorous imprisonment for a period of 01 year and fine along with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.*

11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

08.05.2025

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No