

**CRR-2691-2008****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****201****CRR-2691-2008****Date of Decision: 04.11.2025****MAKHAN SINGH****... PETITIONER****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Amit Sharma, Advocate(Amicus Curiae)
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the concurrent findings of the Courts below. Vide impugned judgment dated 25.11.2008 passed by Id. Addl. Sessions Judge, Hoshiarpur, the petitioner was convicted under Section 409 of IPC and sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs. 3000/- of in default to further undergo imprisonment for three months.

2. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that the petitioner has undergone custody for a period of 08 months and 13 days out of the awarded sentence of 02 years and stated that the petitioner is not involved in any other case. He prays that since FIR in question pertains to the year 2001, a lenient view may be taken while passing an order on quantum by this Court.

3. Learned State counsel opposes the prayer of the petitioner and filed the custody certificate in the Court, which are taken on record. He further submits that the Courts below has passed a well reasoned judgment based on correct appreciation

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of evidence available on record. However, he does not refute the fact that the petitioner is not involved in any other case.

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

5. The FIR in the present case pertains to the year 2001 and he has already faced the rigors of the trial for more than 24 years.

6. 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 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 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.



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8. A perusal of the judgment of conviction 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.

9. 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 2001. 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 24 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 Supreme Court in the cases of *Haripada Das Vs. State of West Bengal* reported in (1998) 9 SCC 678 and *Alister Anthony Pereira 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 petitioner, his status in the society and the fact that they 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.

10. Accordingly, judgments passed by the Id. Appellate Court as well as Id. Sub Divisional Judicial Magistrate, Dasuya are hereby affirmed but the quantum of sentence awarded by the Courts concerned under Section 409 of IPC has been



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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.

- 11. With these modifications, the present revision petition is disposed of.
- 12. Pending application(s), if any, shall also stand disposed of.

04.11.2025
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(H.S.GREWAL)
JUDGE

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