



201-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2759-2008
Date of decision: 21.05.2025

PRADEEP KUMAR

V/S

STATE OF HARYANA AND ANOTHER

...PETITIONER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR
Present: Mr. Gagandeep Singh, Advocate for
 Mr. Shrey Goel, Advocate for the petitioner.

 Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present revision petition has been preferred against the judgment of conviction and order of sentence dated 06/08.11.2008 passed by learned Additional Sessions Judge, Karnal, in case stemming from FIR No.453 dated 08.09.2007 registered under Sections 363, 366, 376/34 of IPC at Police Station Civil Line, Karnal, whereby respondent No.2 was sentenced as under:

Offence under Section	Sentence
363 of IPC	RI for three years with a fine of Rs.500/-, in default of payment of fine, to further undergo SI for 01 month.
366 of IPC	RI for three years with a fine of Rs.500/-, in default of payment of fine, to further undergo SI for 01 month.
366-A of IPC	RI for three years with a fine of Rs.500/-, in default of payment of fine, to further undergo SI for 01 month.
It was ordered that all the sentences shall run concurrently.	



2. Brief facts of the present case are that on 08.09.2007, petitioner came to the police station and filed a complaint, wherein it was stated that respondent No.2 has enticed away the prosecutrix on false pretext of marriage. Hence, the FIR (*supra*) was registered.

3. Learned counsel for the petitioner *inter alia* contends that at the time of incident, the prosecutrix was minor and the learned trial Court has come to the conclusion that kidnapping was done with the intention that prosecutrix would be forced or seduced to illicit inter-course or would be compelled to marry juvenile Gullu, as such, ingredients of offence under Sections 363/366 of IPC are clearly established. He further contends that the learned trial Court has awarded a meagre sentence to respondent No.2 only on the ground that he is 20 years of age and is at the threshold of adult life. Learned counsel submits that the learned trial Court has not recorded any cogent reasons while awarding the meagre sentence of three years to respondent No.2 for the above-said offences and prays for enhancement of sentence of respondent No.2.

4. *Per contra*, learned State counsel opposes the prayer of the appellant as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, as such, interference of this court is not warranted.

5. Having heard the learned counsel for the parties and after perusing the record of the case, this Court is of the considered opinion that the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, the FIR in the present case was lodged



on 08.09.2007 and respondent No.2 has been suffering the agony of trial for the last more than 17 years. It also appears that respondent No.2/accused do not have any criminal antecedents.

6. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society.

7. In *Deo Narain Mandal vs. State of UP (2004) 7 SCC 257*, 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, 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, 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 the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. Further, this Court, keeping in view the above mitigating circumstances, has already modified the order of sentence of respondent No.2 to the period of sentence already undergone by him in *CRA-2232-SB of 2008* titled as *Pankaj vs. State of Haryana* vide order of even date. As such, this Court does not find any reason to interfere with the order of sentence dated 08.11.2008 passed by learned Additional Sessions Judge, Karnal. Consequently, the present revision petition is dismissed.

May 21, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |