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

**CRR-912-2025 (O&M)
Date of decision: 05.04.2025**

Sanjay Kumar @ Sanjay

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Tanya Vashist, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant revision petition has been preferred against the judgment dated 11.02.2025 passed by learned Additional Sessions Judge, Rewari, vide which the judgment of conviction dated 01.11.2018 and the order of sentence dated 05.11.2018 passed by learned Judicial Magistrate 1st Class, Rewari, in FIR No.291 dated 10.11.2013 under Sections 323, 325, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Khol, have been upheld.



2. The petitioner was convicted by learned trial Court, vide judgement of conviction dated 01.11.2018, for causing injuries to the complainant/victim and vide order of sentence dated 05.11.2018, he was sentenced to undergo simple imprisonment for a maximum period of two years and to pay a total fine of Rs.1,500/- along with default mechanism. Aggrieved by the same, the petitioner preferred an appeal before learned Additional Sessions Judge, Rewari, however, the same has been dismissed vide impugned judgment dated 11.02.2025. Hence, the present revision petition.

3. Learned counsel for the petitioner, at the very outset, contends that she is not assailing the impugned judgment of conviction dated 01.11.2018 on merits and restricts his prayer only qua modification of the order of sentence dated 05.11.2018, to that of the sentence already undergone by the petitioner, as he has already undergone actual sentence of 01 month and 24 days, out of total sentence of 02 years and is not involved in any other criminal activity.

4. *Per contra*, learned State counsel has produced the custody certificate dated 04.04.2025 of the petitioner in the Court today, which is taken on record. He opposes the prayer made by the petitioner, as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has been upheld by



learned lower appellate Court and as such, he does not deserve any leniency.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner was convicted under Sections 323 & 325 of IPC read with Section 34 of IPC, for which no minimum punishment has been prescribed. As per his custody certificate dated 04.04.2025, the petitioner is not involved in any other case and has already undergone an actual sentence of 01 month and 24 days, out of total sentence of 02 years, in the instant case. Since there is no minimum punishment prescribed under Sections 323 & 325 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

6. In *Deo Narain Mandal Vs. State of U.P., (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.

7. 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.

8. A perusal of the judgment of conviction passed by 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 (*supra*) was lodged on 10.11.2013 and the petitioner has been suffering the agony of trial for the last more than 11 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life.

9. Consequently, the present revision petition is disposed of and the impugned judgment dated 11.02.2025 passed by learned Additional Sessions Judge, Rewari, affirming the judgment of conviction dated



01.11.2018 passed by learned trial Court, is upheld, however, the order of sentence dated 05.11.2018 is modified to the extent that the sentence of simple imprisonment for a maximum period of two years and total fine of Rs.1,500/- along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

10. Since the petitioner is presently in custody, he be released from the jail forthwith, if not required in any other case.

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

[HARPREET SINGH BRAR]
JUDGE

05.04.2025
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No