



CRR-2120-2009 (O&M) 1

205 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-2120-2009 (O&M)
Date of Decision: 24.03.2025

PARAMJIT GIR ...PETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. The present revision petition is preferred against the judgment dated 24.07.2009 passed by learned Additional Sessions Judge, Sangrur vide which judgment of conviction and order on quantum of sentence dated 02.07.2007 passed by learned Judicial Magistrate Ist Class, Sunam have been upheld, whereby, petitioner has been convicted and sentenced as under:

Offence under Section	Sentence	Compensation	Remarks
420 of IPC	Rigorous imprisonment for one year	Rs. 1,000/-	Rigorous imprisonment for 10 days

2. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 24.07.2009 passed by learned Additional Sessions Judge, Sangrur on merits and restricts his prayer to modification of the order on quantum of sentence dated 02.07.2007 to that of sentence already undergone by the petitioner as he has already undergone a period of 02 months and 17 days (including remission) out of total sentence of one year imposed upon him.



CRR-2120-2009 (O&M)

2

3. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and the said judgment has also been upheld by learned lower Appellate Court and as such, he does not deserve any leniency.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. In **Deo Narain Mandal v. 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, 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.

6. Further, a two Judge Bench of the Hon'ble Supreme Court in **Ravada Sasikala v. 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



CRR-2120-2009 (O&M)

3

strike a balance between the efficacy of law and the chances of reformation of the accused.

7. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

8. The FIR in the present case was lodged on 27.07.2002 and the petitioner has been suffering the agony of trial since the last more than 22 years. As per the custody certificate, the petitioner has undergone total sentence of 02 months and 17 days (including remission) out of total sentence of one year awarded to him.

9. Accordingly, 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.

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

(i) The judgment of conviction dated 24.07.2009 passed by the learned Additional Sessions Judge, Sangrur is upheld, however, the order of sentence dated 02.07.2007 passed by learned Judicial Magistrate Ist Class, Sunam is modified to the extent that the sentence of rigorous imprisonment for one year along with fine of Rs. 1,000/- with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

24.03.2025
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No