



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

CRR-1647-2010

Date of decision: 28.03.2025

Laxmi Sharma

....Petitioner

Versus

Sharat Sharma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

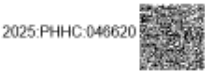
Present: Mr. Mani Ram Verma, Advocate
 for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred by the petitioner-complainant against judgment dated 27.01.2010 passed by learned additional Sessions Judge, Bhiwani in FIR No. 440 dated 30.07.2008 registered under Sections 312, 313, 498-A, 406, 506, 120-B Indian Penal Code (hereinafter IPC) at Police Station City, Bhiwani, seeking conviction of the respondents under Sections 312, 313 and 506 of IPC.

2. Succinctly, the facts of the case are that on 30.07.2008, a complaint was filed by Laxmi Sharma/petitioner, wife of Sharat Sharma/respondent No.1. They got married on 13.02.2007, and soon after, petitioner was harassed for bringing insufficient dowry. Further, upon failing to meet demands for ₹5 lakhs, a car, clothes, and jewellery, she was subjected to physical abuse. On 25.07.2007, petitioner was beaten by the respondent no.1, leading to injuries that resulted in the loss of her unborn child. It was further mentioned that the respondent No.1 got the pregnancy terminated without her



consent, expelled her from the matrimonial home, and misappropriated her dowry articles. Additionally, ₹2,60,000 given by her father to respondent No.1, was not returned. Based on her complaint, FIR(*supra*) was registered.

3. After assessing all material on record, the learned Trial Court convicted and sentenced the respondents as follows:

Convict	Offence Under Section	Sentence
Prakash Sharma, Sharat Sharma and Sanjay Sharma	120-B IPC	Rigorous imprisonment for a term of three years and fine of Rs. 3000/- each, in default to undergo S.I of 1 month
Prakash Sharma, Sharat Sharma	498-A IPC	Rigorous imprisonment for a term of three years and fine of Rs. 3000/- each, in default to undergo S.I of 1 month
Prakash Sharma, Sharat Sharma	406 IPC	Rigorous imprisonment for a term of three years and fine of Rs. 3000/- each, in default to undergo S.I of 1 month

It was ordered that all sentences shall run concurrently.

4. Learned counsel for the petitioner contends that the respondents have not been awarded adequate sentence and have been wrongly acquitted for heinous offence as the evidence on record proves their guilty mind. Further, respondent No.3 shall be convicted under Sections 312, 313, 406 and 506 of IPC and respondents No.1, 2 and 4 should be convicted under Sections 312, 313 and 506 of IPC. The prosecution has proved the guilt of the respondents and as such they are liable to be adequately convicted and sentenced.

5. Per contra, learned State counsel opposes the prayer made by learned counsel for the petitioner and submits that the order passed by learned trial Court is based on correct appreciation of the facts and the law. Therefore, no interference by this Court is warranted.

6. The FIR in the present case was lodged on 30.07.2008 and the respondents have been suffering the agony of trial since the last about 17 years. It appears that the respondents-accused do not have any criminal antecedents.



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 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.

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. In view of the discussion above, this Court finds the impugned judgment dated 27.01.2010 and order of sentence dated 02.02.2010 have been rendered in the right perspective. The findings recorded by the learned trial Court indicate no perversity which would inspire this Court to interfere and enhance the sentence awarded to the respondents. Accordingly, the present revision petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

28.03.2025

Neha

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