



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRR-167-2010
Date of decision : 25.07.2025

Raghbir Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Vikram Singh, Advocate for the petitioner.
Mr. Hardeep Singh Wadhwa, DAG, Punjab.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the judgment dated 11.01.2010 passed by the learned Additional Sessions Judge, SAS Nagar Mohali whereby the judgment of conviction and order of quantum of sentence dated 25.08.2008 passed by learned Sub Divisional Judicial Magistrate , Kharar has been upheld, in case FIR No.202 dated 22.11.2001 under Sections 279,338 IPC registered at Police Station Kharar and the petitioners have been convicted and sentenced to undergo imprisonment along with fine as under:-

Sr. No	Under Section	Imprisonment
1.	279 IPC	To undergo rigorous imprisonment for a period of six months.
2.	338	To undergo rigorous imprisonment for a period of one year and six months and also to pay a fine of Rs. 500/- in default thereof, he will further undergo simple imprisonment for a period of one month.

The trial Court had ordered that both the sentences shall run concurrently.



2. The case of the prosecution is that the petitioner is stated to be driving a Tata 407 which had caused injuries to one Durga Singh which led to the amputation of his leg. The accident was caused due to rash and negligent driving by the petitioner. Thereafter, upon conclusion of the trial, the petitioner was held guilty by the learned Sub Divisional Judicial Magistrate, Kharar vide impugned judgment dated 25.08.2008 and was heard on quantum of sentence on 25.08.2008 as enumerated above. Thereafter, he preferred an appeal thereagainst, which was dismissed by the learned Additional Sessions Judge, SAS Nagar Mohali vide judgment dated 11.01.2010.

3. At the very outset, learned counsel for the petitioner submits that he is not assailing the judgment of conviction on merits, rather restricts his prayer qua modification of the order of sentence to the period already undergone as the petitioners have already undergone more than two months of sentence out of one and a half years awarded for offence under Section 338 IPC. He further submits that the petitioner has been suffering the agony of trial since 2001. He also submits that without referring to the merits of the case, he prays for reduction of sentence while taking a lenient view on the ground that the petitioner is not involved in any other case and has not indulged in any such activity, even after his release on suspension of sentence by this Court vide order dated 19.03.2010.

4. On the other hand, learned State counsel opposes the prayer of the petitioner on the ground that the learned trial Court concerned has passed a well-reasoned judgment after taking into consideration the entire evidence and the material available on record and there is no perversity or illegality in the findings returned by it.

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



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 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, a two Judge 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 realize 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.

8. A perusal of the judgment of conviction passed by the learned trial Court and learned appellate Court indicates no perversity in their findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.



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9. Keeping in view the fact that the complaint pertains to the year 2001 and the petitioner has faced the rigors of trial for a period of more than 24 years, therefore, while taking a lenient view, 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. In view of above, the revision petition is **disposed of** by upholding the judgment dated 11.01.2010 passed by the learned Appellate Court, however, the order of sentence is modified to the extent that the sentence of rigorous imprisonment for a period of 1 year imposed upon the petitioner is reduced to the period of sentence already undergone by him. However, the compensation is increased from Rs.500/- to 10,000/- over and above to be paid to the complainant (Rs.1000/- already paid). In case, the complainant is not found, the amount be deposited with the trial Court.

11. In view of above, the present revision petition is **disposed of** by upholding the judgment dated 25.08.2008 passed by the trial Court to the extent of conviction, but the sentence is modified to the extent that the sentence of rigorous imprisonment for a period of one year and six months irrespective sections imposed upon the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed upon the petitioner shall remain intact.

25.07.2025

*renu***(H.S.GREWAL)**
JUDGE

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