



**204-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-1686-2010

Date of decision: 01.04.2025

Nirmla Devi

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Parul Saini, Advocate for
Mr. Deepak Singh Saini, Advocate
for the petitioner.

Mr. Harkesh Kumar, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred by the petitioner/complainant against judgment of conviction dated 31.03.2010 and order of sentence dated 01.04.2010 passed by the learned Special Judge-cum-Additional Sessions Judge, Rewari, in FIR No.214 dated 25.09.2008 under Sections 328/354/511/451/506 of IPC and Section 3 of SC/ST Act registered at Police Station Khol, seeking conviction of respondent No.2 under Sections 323/328 of IPC and prays to award maximum sentence under Section 3 of SC/ST Act.

2. Summarily, the facts of the case are that on 23.09.2008, the complainant/petitioner was sleeping in her *chhappar* and at about 11:20 P.M., the accused/respondent No.2 entered into her *chhappar* and sat on her cot and touched her inappropriately with an intent to outrage her modesty. On raising a noise, her husband, namely, Naresh, raised *lalkara* and came there, on hearing his voice, the accused/respondent No.2 started running away and hit her

husband, due to which, husband of the complainant fell down on the ground and received injuries in his right hand. Thereafter, the accused ran away leaving behind his slipper. In the meanwhile, the neighbours and other family members of the complainant came there and notice that the accused had dropped some white substance in the water of *degchi*, and thus the instant case.

3. After assessing all material on record, the learned Trial Court found respondent No.2 guilty vide impugned judgment of conviction and sentenced as follows:-

Offence	Sentence
Section 354 of IPC	Rigorous imprisonment for a period of one year and to pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for three months.
Section 451 of IPC	Rigorous imprisonment for a period of one year and to pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for three months.
Section 506 of IPC	Rigorous imprisonment for a period of one year and to pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for three months.
Section 3 of SC/ST Act	Rigorous imprisonment for a period of two years and to pay fine of Rs.2,000/- and in default of payment of fine, to further undergo rigorous imprisonment for six months.

4. Learned counsel for the petitioner contends that respondent No.2 has not been awarded adequate sentence and has been wrongly acquitted for heinous offence as the evidence on record proves his guilty mind. Further, respondent No.2 should be convicted under Sections 323/328 of IPC and awarded maximum sentence under Section 3 of SC/ST Act.

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 25.09.2008 and the respondent No.2 has been suffering the agony of trial since the last more than 16 years. It appears that the accused/respondent No.2 does 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. This Court vide order passed on even date in CRA-S-992-SB-2010 titled as 'Rajvinder @ Bablu Vs. State of Haryana' has upheld the judgment dated 31.03.2010 passed by the learned Special Judge-cum-Additional Sessions Judge, Rewari and reduced the sentence of rigorous imprisonment for 02 years and fine along with default mechanism to the period of sentence already undergone by appellant/accused.

8. 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

**CRR-1686-2010****-4-**

principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

9. 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.

10. In view of the discussion above, this Court finds the impugned judgment dated 31.03.2010 and order of sentence dated 01.04.2010 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 award to respondent No.2.

11. Accordingly, the present revision petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

01.04.2025*Neha*

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