

CRR-1954-2010
Date of decision: 05.05.2025

...PETITIONERS

V/S

...RESPONDENT

Present: Mr. Jamshed Ahmed, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 24.05.2010 passed by learned Additional Sessions Judge, Fast Track Court, Nuh, vide which, judgment of conviction dated 17.07.2008 and order on quantum of sentence dated 22.07.2008 passed by learned Sub Judicial Magistrate, Punhana, have been upheld, in case stemming from FIR No.140 dated 16.07.1998 registered under Sections 323/325/34 of IPC at Police Station Punhana and the petitioners were sentenced as under :

Offence under Section(s)	Sentence
323 r/w Section 149 IPC	RI for 06 months.
148 r/w Section 149 IPC	RI for 06 months.
325 r/w Section 149 IPC	RI for one year
Further, compensation of Rs.21,000/- was awarded to the victims and all the seven accused were ordered to deposit a sum of Rs.3,000/- each towards compensation to the victims under Section 357(2) Cr.P.C.	
It was ordered that all the sentences shall run concurrently.	



2. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 24.05.2010 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioners. Further, the petitioners have undergone a period of more than 04 months, out of total sentence of one year, awarded by learned trial Court and are not involved in any other case.

3. *Per contra*, learned State counsel opposes the prayer of the petitioner as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned lower Appellate Court and as such, they do 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 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 same is based on correct appreciation of evidence available on record. It transpires that the petitioners were convicted under Sections 323/325/148/149 of IPC, for which no minimum punishment has been prescribed. Moreover, learned counsel for the petitioners 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 16.07.1998 and the petitioners have been suffering the agony of trial for the last more than 26 years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. As per their old custody certificates, the petitioners have undergone a period of more than 04 months, out of total sentence of one year, awarded by learned trial Court and are not involved in any other case.

9. Since there is no minimum punishment prescribed under Sections



323/325/148/149 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioners is reduced to the period already undergone by them.

10. Consequently, the present petition is disposed of and the judgment dated 24.05.2010 passed by the learned Additional Sessions Judge, Fast Track Court, Nuh, affirming the judgment of conviction is upheld, however, the order of sentence dated 22.07.2008 is modified to the extent that the sentence of rigorous imprisonment for one year awarded to the petitioners is reduced to the period of sentence already undergone by them.

May 05, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |