

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2030-2010
Date of decision: 07.05.2025

Balwant Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jaspal Singh Guru, Advocate for
Mr. Rahul Sharma, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 20.07.2010 passed by the learned Additional Sessions Judge (Adhoc), Fast Track Court, Hoshiarpur, vide which the appeal against judgment of conviction dated 08.05.2006 and order of sentence dated 09.05.2006 passed by the learned Additional Chief Judicial Magistrate, Hoshiarpur, in FIR No.142 dated 21.09.2000 registered under Section 7 of the Essential Commodities Act, 1955 (in short E.C. Act), registered at Police Station City Hoshiarpur, has been dismissed.

2. The petitioners were convicted and sentenced as mentioned below:

Offence	Sentence
Section 7 of E.C. Act	Rigorous imprisonment for a period of 09 months each and to pay fine of Rs.1,000/- each and in default simple imprisonment of 01 month each.

3. After assessing the material available on record, the learned trial Court convicted the petitioners vide judgment dated 08.05.2006. Aggrieved by the same, the petitioners preferred an appeal before the learned lower Appellate Court which has been dismissed vide judgment dated 20.07.2010.



4. Learned counsel for the petitioners *inter alia* contends that the prosecution has produced no evidence to prove the alleged offence against the petitioners. The report of the chemical examiner as 'Mark A' was never exhibited and thus, the learned Court below has fallen into grave error in convicting the petitioners, as their guilt has not been proved beyond reasonable doubt. Further, he is not assailing the impugned judgment of conviction 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, as the petitioners have already undergone a total period of 02 months and 24 days in custody. He further submits that accused/petitioners are not involved in any other criminal activity.

5. *Per contra*, learned State counsel opposes the prayer of the petitioners as the learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record and as such, they do not deserve any leniency. However, he could not controvert the fact that the petitioners are not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioners was convicted vide judgment dated 08.05.2006 by the learned trial Court. The judgment of conviction was also upheld by the learned lower Appellate Court vide judgment dated 20.07.2010. Learned counsel for the petitioners has categorically contended that he is not assailing the impugned judgment of conviction on merits, rather he has restricted his prayer to modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioner. A perusal of the respective custody certificates of the petitioners indicate that, in the instant case, they have undergone a period of 02 months and 24 days out of the total sentence of 09 months awarded to them.



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. 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. However, the FIR (supra) was lodged on 21.09.2000 and the petitioners have been suffering the agony of trial



for last more than 24 years. Since their conviction, they have grown into a law-abiding citizen and desire to live a peaceful life. Therefore, this Court deems it appropriate to reduce the sentence awarded to the petitioners to that already undergone by them. Reliance in this regard can be placed upon the judgments rendered by this Court in *Davinderjit Singh vs. State of Punjab 2011(2)R.C.R. (Criminal) 616*, *Kartar Singh vs. State of Punjab 1984(1) CLR 36*, *Hari Mohan and another vs. State of Punjab* in CRA-S-1618-SB of 2006 decided on 05.12.2022.

10. Therefore, in view of the discussion above, the present revision petition is disposed of in the following terms:-

(i) The judgment dated 20.07.2010 passed by the learned Additional Sessions Judge (Adhoc), Fast Track Court, Hoshiarpur, is upheld.

(ii) The order of sentence dated 09.05.2006 passed by learned Additional Chief Judicial Magistrate, Hoshiarpur is modified to the extent that the sentence of 09 months and fine along with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.

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

(HARPREET SINGH BRAR)
JUDGE

07.05.2025

Neha

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