



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

203**CRR-215-2010****Date of Decision: 12.11.2025****Gurdarshan Singh****.....Petitioner****Vs.****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE H.S. GREWAL**

Present: Mr. Gautam Dutt, Sr. Advocate, with
Mr. Rehan Gupta, Advocate, for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 11.01.2010 passed by the learned Additional Sessions Judge, Amritsar, whereby the judgment of conviction and order of sentence dated 25.03.2009 passed by the learned Additional Chief Judicial Magistrate, Amritsar, were upheld. The petitioner was convicted under Section 420 IPC and sentenced to undergo rigorous imprisonment for a period of three years, along with a fine of ₹5,000/-, and in default of payment of fine, to further undergo simple imprisonment for six months.

2. The case of the prosecution is that on 13.01.2007, the petitioner duped an amount of ₹6,55,000/- from the complainant and his brother on the pretext of sending the complainant's brother abroad. Thereafter, when the complainant requested the petitioner to return the said amount, the petitioner allegedly threatened him with dire consequences. Thereafter, a formal FIR,



i.e., FIR No. 31 dated 18.01.2008, was registered against the petitioner under Sections 420 of the IPC. After considering the evidence and hearing both sides, the learned trial Court convicted Gurdarshan Singh and sentenced him to undergo three years' imprisonment. Aggrieved therefrom, Gurdarshan Singh preferred an appeal before the learned appellate Court, which was also upheld by the Court. Still aggrieved, the petitioner has filed the present revision petition before this Court.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 11.01.2010 on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the petitioner, as he has already undergone a period of more than 13 months (vide order dated out of total sentence of 3 year. He further prays that since the FIR in question pertains to the year 2008, a lenient view may be taken while passing an order/ judgment by this Court.

4. On the other hand, learned State counsel opposes the prayer of the petitioner and submits that the learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record.

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

6. The petitioner has been convicted for cheating the complainant, for which no minimum punishment has been prescribed. Moreover, the FIR in the present case pertains to the year 2008 and the petitioner has already faced the rigours of the trial for more than 17 years.



7. 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

8. Further, a two-Judges 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 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 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 Courts below indicate no perversity in its 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.

10. Since the FIR in the present case was registered on 18.01.2008 and the petitioner has been suffering the agony of trial since the last more than 18 years and the fact that the FIR is of the year 2008 and the petitioner has faced the rigours of trial for a period of more than 18 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.

11. In view of above, the present revision petition is **disposed of** by upholding the judgment of conviction dated 11.01.2010 passed by the learned Additional Sessions Judge, Amritsar, however the order of sentence dated 11.01.2010 is modified to the extent that the sentence of rigorous imprisonment for a period of 3 years imposed upon the petitioner is reduced to the period of sentence already undergone by him. However, the amount of fine imposed upon the petitioner is enhanced to ₹10,000/-, which shall be paid to the complainant within a period of one month from the date of receipt of certified copy of this order.

12. Pending applications, if any, shall stand disposed of.

12.11.2025
anil

(H.S. GREWAL)
JUDGE

Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No