

CRR-1151-2011
Date of decision: 12.05.2025

...PETITIONERS

V/S

...RESPONDENT

Present: Mr. Nishant Sehgal, Advocate for
Mr. S.P.S. Sidhu, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 02.05.2011 passed by learned Sessions Judge, Sri Muktsar Sahib, vide which, judgment of conviction dated 28.01.2010 passed by learned Judicial Magistrate Ist Class, Muktsar, has been upheld in case stemming from FIR No.182 dated 13.10.2007 registered under Sections 452/323/34 of IPC at Police Station Sadar, Muktsar and order on quantum of sentence dated 28.01.2010 has been modified. The petitioners were sentenced as under :

Offence under Section(s)	Sentence
452 IPC	RI for nine months with a fine of Rs.500/- each, in default of payment of fine, to further undergo SI for three months.
323 IPC	RI for four months with a fine of Rs.300/- each, in default of payment of fine, to further undergo SI for one

	month.
It was ordered that both the sentences shall run concurrently.	

2. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 02.05.2011 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 per the custody certificates, petitioner-Nanak Singh has undergone actual period of 02 months and 23 days and petitioner-Kako has undergone actual period of 03 months and 08 days out of total sentence of nine months, awarded by learned lower Appellate Court and are not involved in any other case.

3. *Per contra*, learned State counsel opposes the prayer of the petitioners 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 452/323 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 13.10.2007 and the petitioners have been suffering the agony of trial for the last more than 17 years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. As per the custody certificates, petitioner-Nanak Singh has undergone actual period of 02 months and 23 days



and petitioner-Kako has undergone actual period of 03 months and 08 days out of total sentence of nine months, awarded by learned lower Appellate Court and are not involved in any other case.

9. Since there is no minimum punishment prescribed under Sections 452/323 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 02.05.2011 passed by the learned Sessions Judge, Sri Muktsar Sahib affirming the judgment of conviction is upheld, however, the order of sentence dated 02.05.2011 is modified to the extent that the sentence of rigorous imprisonment for nine months and fine along with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.

May 12, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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