



Name of the accused	Offence	Sentence
Balwinder Singh	Section 148 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 324 of IPC	Rigorous Imprisonment for 09 months and a fine of Rs.400/-, in default of which Rigorous Imprisonment for 08 days.
	Section 326 of IPC	Rigorous Imprisonment for 01 year and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days in offence under Sections 326/149 of IPC.
	Section 325 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days in offence under Sections 325/149 of IPC.
	Section 323 of IPC	Rigorous Imprisonment for 03 months in offence under Sections 323/149 of IPC.



Rashpal Singh	Section 148 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 324 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days in offence under Sections 324/149 of IPC.
	Section 326 of IPC	Rigorous Imprisonment for 01 year and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days in offence under Sections 326/149 of IPC.
	Section 325 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days in offence under Sections 325/149 of IPC.
	Section 323 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days.
Sukhdev Singh	Section 148 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 324 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days in offence under Sections 324/149 of IPC.
	Section 326 of IPC	Rigorous Imprisonment for 01 year and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days in offence under Sections 326/149 of IPC.
	Section 325 of IPC	Rigorous Imprisonment for 01 year and a fine of Rs.500/-, in default of which Rigorous Imprisonment for 10 days.
	Section 323 of IPC	Rigorous Imprisonment for 03 months in offence under Sections 323/149 of IPC.
Dhir Singh	Section 148 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 324 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days in offence under Sections 324/149 of IPC.
	Section 326 of IPC	Rigorous Imprisonment for 02 years and a fine of Rs.1000/-, in default of which Rigorous Imprisonment for 20 days.
	Section 325 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days in offence under Sections 325/149 of IPC.
	Section 323 of IPC	Rigorous Imprisonment for 03 months in offence under Sections 323/149 of IPC.
Lakha Singh	Section 148 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 324 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days in offence under Sections 324/149 of IPC.
	Section 326 of IPC	Rigorous Imprisonment for 01 year and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days in offence under Sections 326/149 of IPC.

	Section 325 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days in offence under Sections 325/149 of IPC.
	Section 323 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days.

It was ordered that all the sentences shall run concurrently.

2. After assessing the material available on record, the learned trial Court convicted the petitioners vide judgment dated 07.07.2009. Aggrieved by the same, the petitioners preferred an appeal before the learned lower Appellate Court, vide which the sentence dated 07.07.2009 passed by the learned trial Court has been modified to the following extent:-

Name of the accused	Offence	Sentence
Balwinder Singh	Section 148 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 324 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.400/-, in default of which Rigorous Imprisonment for 08 days.
	Sections 326/149 of IPC	Rigorous Imprisonment for 09 months and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days.
	Section 325/149 of IPC	Rigorous Imprisonment for 3 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 323/149 of IPC	Rigorous Imprisonment for 01 month.
Rashpal Singh	Section 148 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 324/149 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 326/149 of IPC	Rigorous Imprisonment for 09 months and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days.
	Section 325/149 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 323 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days.
Sukhdev Singh	Section 148 of	Rigorous Imprisonment for 03 months and a fine of



	IPC	Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 324/149 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 326/149 of IPC	Rigorous Imprisonment for 09 months and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days.
	Section 325 of IPC	Rigorous Imprisonment for 09 months and a fine of Rs.500/-, in default of which Rigorous Imprisonment for 10 days.
	Section 323/149 of IPC	Rigorous Imprisonment for 01 month.
Dhir Singh	Section 148 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 324/149 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 326 of IPC	Rigorous Imprisonment for 01 year and a fine of Rs.1000/-, in default of which Rigorous Imprisonment for 20 days.
	Section 325/149 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 323/149 of IPC	Rigorous Imprisonment for 01 month.
Lakha Singh	Section 148 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 324/149 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 326/149 of IPC	Rigorous Imprisonment for 09 months and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days.
	Section 325/149 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.200/-, in default of which Rigorous Imprisonment for 04 days.
	Section 323 of IPC	Rigorous Imprisonment for 03 months and a fine of Rs.300/-, in default of which Rigorous Imprisonment for 06 days.

3. Learned counsel for the petitioners contends that he is not assailing the impugned judgment dated 01.07.2011 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 the petitioners, namely, Balwinder



Singh, Rashpal Singh, Sukhdev Singh and Lakha Singh, have already undergone a period of more than 04 months in custody, whereas, the petitioner No.4, namely, Dhir Singh, has undergone more than 02 months and they are not involved in any other criminal activity.

4. *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.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioners were convicted under Sections 148/323/324/325/326/149 of IPC for which no minimum punishment has been prescribed. As per their custody certificates, the petitioners, namely, Balwinder Singh, Rashpal Singh, Sukhdev Singh and Lakha Singh, have already undergone a period of more than 04 months in custody, whereas, the petitioner No.4, namely, Dhir Singh, has undergone more than 02 months out of total sentence of more than 01 year, in the instant case. Since there is no minimum punishment prescribed under Sections 148/323/324/325/326/149 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.

6. 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



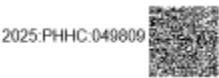
accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

7. 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.

8. 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 complaint was lodged on 03.09.2002 and the petitioners have been suffering the agony of trial for last more than 22 years. Since their conviction, they have grown into a law-abiding citizen and desire to live a peaceful life.

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

- (i) The judgment dated 01.07.2011 passed by the learned Additional Sessions Judge, Amritsar, vide which sentence of petitioners was reduced from the sentence awarded by the learned



trial Court, is upheld and sentence of one year along with fine awarded by the learned Appellate Court is further reduced to the period of sentence already undergone by the petitioners.

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

(HARPREET SINGH BRAR)
JUDGE

09.04.2025
Neha

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