

**CRR-397-2010****-1-**

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

202

**CRR-397-2010
Date of Decision: 29.08.2025**

TINKU**... PETITIONER**

VERSUS

STATE OF HARYANA**... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Rahul Vats, Advocate for the petitioner.

Mr. Tapan Masta, Addl. Advocate General, Haryana.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the judgment of conviction dated 14.03.2009 and order of quantum of sentence dated 16.03.2009 passed by learned Judicial Magistrate Ist Class , Rewari, in case FIR No.10 dated 04.02.2008 under Sections 392/394 of IPC registered at Police Station GRP Rewari. Thereafter, the appeal has been filed before the Id. Appellate Court and the same was dismissed.

2 The case of the prosecution is that on 03.02.2008, the petitioner along with the co-accused committed a robbery on complainant Subhuderpal and caused injuries to the complainant. On the statement of the complainant on 04.02.2008, the present complaint case under Sections 392/394 was registered. Pursuant thereto, vide order dated 14.03.2009 passed by the learned Judicial Magistrate Ist Class, Rewari, the petitioner was convicted and vide order dated

**CRR-397-2010****-2-**

16.03.2009, the petitioner was sentenced to undergo rigorous imprisonment for a period of 03 years and to pay a fine of Rs.200/- for the commission of offence punishable under Section 394 IPC and further in default thereof, to undergo rigorous imprisonment for a period of 07 days.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 14.03.2009 on merits and restricts his prayer qua modification of the order on quantum of sentence. He further submits that the petitioner is found to be involved in three FIRs i.e. FIR No. 13 dated 06.02.2008, FIR No. 15 dated 07.02.2008 and the present FIR No. 10 dated 04.02.2008. All these FIRs are of offence under Sections 392, 394 IPC. He further submits that the petitioner is not involved in any offence after the above said FIRs have been registered. The petitioner has already undergone a period of 01 year 03 months and 11 days out of awarded sentence of 03 years in the present FIR and 02 years in other FIRs also. The petitioner is stated to be about 19 years of age at the time of conviction. He prays that since FIR in question pertains to the year 2009, a lenient view may be taken while passing an order on quantum by this Court.

4. On the other hand, learned State counsel opposes the prayer of the petitioner by way of filing of custody certificate dated 29.08.2025 and submits that the Courts below has passed a well reasoned judgment based on correct appreciation of evidence available on record. However, he does not refute the fact that the petitioner is not involved in any other case.



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

6. The FIR in the present case pertains to the year 2009 and he has already faced the rigors of the trial for more than 16 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 to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a two-Judge 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 trial Court indicates 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. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2009. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial, spanning over a period of more than 16 years and has been in the corridors of the court for this prolonged period. He remained incarcerated for 01 years 03 months and 11 days. He is living peacefully for last one and a half decades as no report contrary to that has been received. In view of the facts noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also deserves the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of [*Haripada Das Vs. State of West Bangal*](#) reported in (1998) 9 SCC 678 and *Alister Anthony Pareira vs.* [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] *State of Maharashtra* reported in 2012 2 SCC 648 and considering the facts and

**CRR-397-2010****-5-**

circumstances of the case, age of petitioner, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the petitioner is reduced to the one already undergone by him.

11. Accordingly, judgment of conviction dated 14.03.2009 and order of quantum of sentence dated 16.03.2009 passed by learned Judicial Magistrate Ist Class , Rewari, is affirmed but the quantum of sentence awarded by the Court concerned under Sections 392/394 of IPC has been modified and reduced to the period of sentence he has undergone till date would be sufficient and justifiable to serve the interest of justice. The petitioner is on bail. He need not surrender. His bail bonds are discharged.

12. With these modifications, the present revision petition is disposed of.

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

29.08.2025*renu***(H.S.GREWAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>