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

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Date of Decision: 24.09.2025

ROOP CHAND**... PETITIONER****VERSUS****STATE OF HARYANA AND ANR****... RESPONDENTS****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. D.S.Nain, Advocate for
Mr. Vinay Singh Kajla, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the impugned order dated 09.02.2010 passed by Id. Additional Sessions Judge, Hissar vide which the judgment of conviction dated 29.09.2009 and order of sentence dated 30.09.2009 passed by Id. Judicial Magistrate Ist Class, Hisar was upheld whereby the petitioner was convicted and sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.1,000/- for the commission of offence punishable under Section 420 of IPC. In case of non-payment of fine, the convict shall further undergo simple imprisonment for a period of one month.

2 The brief facts of the case are that the complainant Ram Sarup filed a complaint in the court that a Jeep bearing No. DL-2CC-6647 was purchased by him on 18.5.1999 from the petitioner, who happens to be his relative for a sale consideration of Rs. 1,63,000/-. The petitioner in the presence of Sita Ram told him that the Jeep is free from any encumbrance. The entire



sale consideration was paid by the complainant to the petitioner on 18.5.1999 itself. An affidavit Ex. P-1 with regard to the transfer of the ownership of the Jeep in favour of the complainant was duly executed by the petitioner on 18.5.1999. The petitioner assured the complainant that the registration certificate of the Jeep which is impounded in Delhi in a case under the Motor Vehicles Act would be handed over to the complainant within a week. The complainant has stated that the petitioner failed to hand over the registration certificate of the Jeep to him and later he came to know that the Jeep is not owned by the petitioner but belongs to one Rajender Singh, resident of Nangloi, New Delhi. Further the aforesaid Jeep is burdened with the finance amount advanced by Godwin Finance and Leasing Pvt. Ltd. Company. The petitioner concealed all these facts from him and cheated him. He asked the petitioner to return his money but the petitioner extended threats to his life.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He also contends that the petitioner has already undergone custody for a period of 01 months and 19 days out of the awarded sentence of 06 months and stated that the petitioner is not involved in any other case. He prays that since complaint in question pertains to the year 2002, a lenient view may be taken while passing an order on quantum by this Court.

4. Learned State counsel opposes the prayer of the petitioner and filed the custody certificate in the Court, which is taken on record. He further 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 2002 and he has already faced the rigors of the trial for more than 23 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 petitioner, 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 Division 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 Courts below indicates no perversity in their findings and the same are based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgments, 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 2002. 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 24 years and has been in the corridors of the court for this prolonged period. He remained incarcerated for 01 months and 19 days. 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 Bengal 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 circumstances of the case, age of petitioner, his status in the society and the fact that he faced financial hardship



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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 period as already undergone by him.

11. Accordingly, judgments passed by the Id. Appellate Court as well as Id. Judicial Magistrate Ist Class, Hissar are hereby **affirmed** but the quantum of sentence awarded by the Courts concerned under Sections 420, 201 of IPC has been modified and reduced to the period of sentence as already undergone by him. The petitioner is on bail. He need not surrender. His bail bonds are discharged. However, the petitioner is directed to deposit a sum of Rs. 5,000/- as costs within a period of one month in the Punjab State Legal Services Authority Disaster Relief Fund bearing Account No. 44426937384 IFSC Code SBIN0014656 Banch Name Sector 68 SAS Nagar, Mohali.

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

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

24.09.2025

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(H.S.GREWAL)
JUDGE

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