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IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRR-3096-2011 (O&M)

Date of Decision: 26.03.2025

TARIF KUMAR

...PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dinesh Arora, Advocate for Mr. Gurinderpal Singh, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

Harpreet Singh Brar, J. (Oral)

1. The present revision petition is preferred against the judgment dated 22.11.2011 passed by learned Sessions Judge, Gurgaon vide which judgment of conviction and order on quantum of sentence dated 21.02.2011/22.02.2011 passed by learned Judicial Magistrate Ist Class, Gurgaon have been upheld, whereby, petitioner have been convicted and sentenced as under:

Offence under Section	Sentence	Compensation awarded under Section 357(3) of Cr.P.C.
279 of IPC	Simple imprisonment for 06 months	Rs. 20,000/- was awarded to the parents of the deceased by the accused-petitioner within a period of two months from the date of passing of judgment
304-A of IPC	Simple imprisonment for 01 year	

Both the sentence were ordered to run concurrently.

2. Learned counsel for the petitioner submits that he is not assailing the impugned judgment of conviction dated 22.11.2011 passed by learned Sessions Judge, Gurgaon on merits and restricts his prayer to modification of the order on quantum of sentence dated 21.02.2011 to that of sentence already undergone by the petitioner, as he has already undergone a period of 06 months and 02 days out of substantive sentence of 01 year imposed upon him.



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3. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and the said judgment has also been upheld by learned lower Appellate Court and as such, petitioner 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 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 lower Appellate Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. It transpires that the petitioner was convicted under Sections 279 and 304-A of IPC, for which no minimum punishment has been prescribed. The FIR in the present case was lodged on 05.06.2010 and the petitioner has been suffering the agony of trial since the last more than 14 years. As per his custody certificate, he has already undergone a period of 06 months and 02 days out of substantive sentence of 01 year imposed upon him. Moreover, learned counsel for the petitioner has not assailed the judgment of conviction on merits. Rather, he has restricted his prayer only qua modification of order on quantum of sentence. Since there is no minimum punishment prescribed under Sections 279 and 304-A of IPC, 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. Since his conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life.

8. Accordingly, 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.

9. Consequently, the present petition is disposed of in the following terms:-

- (i) The judgment of conviction dated 22.11.2011 passed by the learned Sessions Judge, Gurgaon is upheld, however, the order of sentence dated 22.02.2011 is modified to the extent that the substantive



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sentence of simple imprisonment for 01 year is reduced to the period of sentence already undergone by the petitioner.

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

(HARPREET SINGH BRAR)
JUDGE

26.03.2025

Ajay Goswami

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No