



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
201

CRR-3425-2012 (O&M)
Date of decision: 26.05.2025

Sanjiv Kumar
.....Petitioner
Versus
Rekha Rani
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishav Jain, Advocate
and Ms. Shivaly Singla, Advocate
and Ms. Vasudha Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred against the judgment dated 17.10.2012 passed by the learned Additional Sessions Judge, Patiala, vide which judgment of conviction and order on quantum of sentence dated 20.09.2011 passed by the learned Judicial Magistrate Ist Class, Patiala, in complaint filed under Sections 406, 498-A and 120-B IPC, have been upheld.
2. The petitioner was convicted by the learned Court below vide judgment of conviction dated 20.09.2011 and was sentenced as follows:

Offence	Sentence
Section 498-A IPC	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for 01 month.



3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 17.10.2012 on merits and restricts the prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioner, as he has already undergone a period of 01 month and 26 days.

4. *Per contra*, learned State counsel opposes the prayer of the petitioner on the ground that the 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 the petitioner is involved in one more case as such, he does 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 petitioner was convicted under Section 498-A IPC, for which no minimum punishment has been prescribed. As per the custody certificate, the petitioner has already undergone an actual sentence of 01 month and 26 days out of total sentence of 01 year, in the instant case. Since there is no minimum punishment prescribed under Section 498-A 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.

6. In ***Deo Narain Mandal Vs. 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, 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.

7. Further, a two-Judge Bench of 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 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 Court below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for the petitioner has not assailed the judgment of



conviction on merits, rather restricts the prayer only qua modification of quantum of sentence already undergone by the petitioner.

9. The complaint in the present case was filed on 25.01.2000 and the petitioner has been suffering the agony of trial since the last 25 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life.

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

- (i) The judgment dated 17.10.2012 passed by the learned Additional Sessions Judge, Patiala, affirming the judgment of conviction dated 20.09.2011 is upheld.*
- (ii) The order of sentence is modified to the extent that the sentence of rigorous imprisonment for a period of 01 year and fine along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.*

11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

26.05.2025
yakub

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