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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-723-2012
Date of decision: 09.04.2025

Kishan Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Rinky Gupta, Advocate for
Mr. S.P.S. Tinna, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 08.11.2011 passed by the learned Sessions Judge, Sri Muktsar Sahib, vide which the appeal against judgment of conviction and order of sentence dated 11.03.2011 passed by the learned Judicial Magistrate 1st Class, Sri Muktsar Sahib, in FIR No.228 dated 14.09.2002 filed under Sections 279/337/304-A of IPC, has been modified. The petitioner was sentenced by learned trial Court as under:

Offence	Sentence
Section 304-A of IPC	Rigorous Imprisonment for 02 years and a fine of Rs.1,000/-, in default of which simple Imprisonment for three months.
Section 337 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.500/-, in default of which simple Imprisonment for one month.
Section 279 of IPC	Rigorous Imprisonment for 06 months and a fine of Rs.500/-, in default of which simple Imprisonment for one month.

It was ordered that all the sentences shall run concurrently.

2. After assessing the material available on record, the learned trial Court convicted the petitioner vide judgment dated 11.03.2011. Aggrieved by



the same, the petitioner preferred an appeal before the learned lower Appellate Court, vide which the sentence dated 11.03.2011 passed by the learned trial Court has been modified to the extent of rigorous imprisonment of 01 year & 06 months instead of two years under Section 304-A of IPC and acquitted the appellant under Section 337 of IPC.

3. Learned counsel for the petitioner contends that she is not assailing the impugned judgment dated 08.11.2011 on merits and restricts her prayer to modification of the order on quantum of sentence, to that of the sentence already undergone by the petitioner, as the petitioner has already undergone a period of 02 months and 15 days in custody and he is 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, 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 Sections 304-A/279 of IPC for which no minimum punishment has been prescribed. As per his custody certificate, the petitioner has already undergone a period of 02 months and 15 days in custody out of total sentence of 01 year and 06 months, in the instant case. Since there is no minimum punishment prescribed under Sections 304-A/279 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.



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 FIR (supra) was

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lodged on 14.09.2002 and the petitioner has been suffering the agony of trial for last more than 22 years. Since his conviction, he has 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 08.11.2011 passed by the learned Sessions Judge, Sri Muktsar Sahib, vide which the sentence of petitioner was reduced from two years to one year and six months under Section 304-A of IPC, is upheld and sentence of one year and six months along with fine awarded by the learned Appellate Court is further 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

09.04.2025*Neha*

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