

CRR-2789-2013
Date of decision: 14.07.2025

...PETITIONER

PUNJAB STATE INDUSTRIAL DEV CORP LTD

...RESPONDENT

Mr. Vikas Mohan Gupta, Advocate for the respondent.

2. Learned counsel for the petitioner contends that the amount of fine imposed vide judgment dated 10.05.2011 passed by learned Judicial Magistrate Ist Class, Chandigarh, upon the petitioner has already been paid by him. He submits that he is not assailing the impugned judgment of conviction dated 16.08.2013 on merits and restricts his prayer to modification of the order



on quantum of sentence to that of the sentence already undergone by the petitioner. As per the order dated 25.09.2013 passed by this Court, the petitioner has undergone a period of about 04 months, out of total sentence of two years, awarded by learned trial Court.

3. *Per contra*, learned State counsel opposes the prayer of the petitioner as 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 as such, he does not deserve any leniency.

4. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the amount of fine already stands paid.

5. In ***Deo Narain Mandal v. 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 trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. It transpires that the petitioner was convicted under Section 138 of NI Act, for which no minimum punishment has been prescribed. 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 quantum of sentence.

8. The complaint in the present case was lodged on 13.03.2004 and the petitioner has been suffering the agony of trial for the last more than 21 years. Since his conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life. As per his custody certificate, the petitioner has undergone a period of about four months, out of total sentence of two years, awarded by learned trial Court.

9. Since there is no minimum punishment prescribed under Sections 138 of NI Act, 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.



10. Consequently, the present petition is disposed of and the judgment dated 16.08.2013 passed by the learned Additional Sessions Judge, Chandigarh affirming the judgment of conviction is upheld, however, the order of sentence dated 10.05.2011 is modified to the extent that the sentence of rigorous imprisonment for two years and fine along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

July 14, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |