

Date of decision: 21.05.2025

BABLA

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

2. CRR-2952-2013

HARINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sanjeev Kumar, Advocate for
Mr. Kamaldeep Singh Sodhi, Advocate
for the petitioner.
(in CRR-2804-2013)

Mr. J.S. Dadwal, Advocate for the petitioner.
(in CRR-2952-2013)

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This order of mine shall dispose of both the above-mentioned petitions as both are arising out of the same FIR. For the sake of brevity, facts are borrowed from ‘*CRR-2804-2013 (O & M)*’ titled as ‘*Babla vs. State of Punjab and others*’.

2. These revision petitions have been preferred against the judgment dated 12.04.2013 passed by learned Additional Sessions Judge, Ludhiana, vide



which, judgment of conviction and order on quantum of sentence dated 19.05.2012 passed by learned Judicial Magistrate Ist Class, Ludhiana, have been upheld, in case stemming from FIR No.18 dated 26.02.2005 registered under Section 420 of IPC at Police Station Division No.8, Ludhiana and the petitioners were sentenced as under :

Name of the petitioner(s)	Offence under Section(s)	Sentence
Harinder Singh	420 IPC	RI for three years with a fine of Rs.10,000/-, in default of payment of fine, to further undergo SI for 30 days.
Sanjeev Sharma @ Babla	420 IPC	RI for three years with a fine of Rs.10,000/-, in default of payment of fine, to further undergo SI for 30 days.

3. Learned counsel(s) for the petitioners contends that they are not assailing the impugned judgment of conviction dated 12.04.2013 on merits and restricts their prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioners. As per the custody certificates, the petitioner-Babla @ Sanjeev Sharma has undergone a period of 07 months and 03 days and petitioner-Harinder Singh has undergone a period of 11 months and 05 days, out of total sentence of three years, awarded by learned trial Court and both of them are not involved in any other case.

4. *Per contra*, learned State counsel opposes the prayer of the petitioners 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, they do not deserve any leniency.



5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. 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.

7. 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.

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. It transpires that the petitioners were convicted under Section 420 of IPC, for which no minimum punishment has been prescribed. Moreover, learned counsel(s) for the petitioners have not assailed the judgment of conviction on merits, rather they have restricted their prayer only qua modification of quantum of sentence.

9. The FIR in the present case was lodged on 26.02.2005 and the petitioners have been suffering the agony of trial for the last about 20 years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. As per the custody certificates, the petitioner-Babla @ Sanjeev Sharma has undergone a period of 07 months and 03 days and petitioner-Harinder Singh has undergone a period of 11 months and 05 days, out of total sentence of three years, awarded by learned trial Court and both of them are not involved in any other case

10. Since there is no minimum punishment prescribed under Section 420 of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioners is reduced to the period already undergone by them.

11. Consequently, both petitions are disposed of and the judgment dated 12.04.2013 passed by the learned Additional Sessions Judge, Ludhiana affirming the judgment of conviction is upheld, however, the order of sentence dated 19.05.2012 is modified to the extent that the sentence of rigorous imprisonment for three years and fine along with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.



12. Pending miscellaneous application(s), if any, also stand(s) disposed of.
13. A photocopy of this order be placed on the file of other connected case.

May 21, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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