



CRR-3714-2013 (O&M) and one more case

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**252 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**1. CRR-3714-2013 (O&M)
Date of Decision: 26.05.2025**

SADHU SINGH ...PETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

**2. CRR-3876-2013 (O&M)
Date of Decision: 26.05.2025**

KABAL SINGH ...PETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Randhawa, Advocate for Mr. P.S. Ahluwalia, Advocate
for the petitioner in CRR-3876-2013.

Mr. Sidakmeet Sandhu, Advocate
for the petitioner in CRR-3714-2013.

Mr. Rishabh Singla, AAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. Present revision petition has been preferred by the petitioner(s) against the judgment(s) dated 24.10.2013 passed by learned Additional Sessions Judge, Sri Muktsar Sahib vide which judgment of conviction and order on quantum of sentence dated 16.08.2011 passed by learned Chief Judicial Magistrate, Sri Muktsar Sahib have been upheld, whereby the petitioner(s) have been convicted under Section 406 of Indian Penal Code in case stemming from FIR No. 45 dated 05.06.2003 registered at Police Station Vigilance Bureau Ferozepur.

2. Petitioner(s) were convicted for misappropriation of paddy and as such they were sentenced as mentioned below:


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Name of the petitioner(s)	Offence under Section	Sentence	Fine	Sentence in default of payment of fine
Sadhu Singh	406 of IPC	Rigorous imprisonment for 03 years	Rs. 10,000/-	Rigorous imprisonment for two months
Kabal Singh	406 of IPC	Rigorous imprisonment for 03 years	Rs. 10,000/-	Rigorous imprisonment for two months

3. Learned Counsels for the petitioner(s) submit that they are not assailing the impugned judgment(s) of conviction dated 24.10.2013 passed by learned Additional Sessions Judge, Sri Muktsar Sahib on merits and restricts their prayer to modification of the order on quantum of sentence dated 16.08.2011 passed by learned Chief Judicial Magistrate, Sri Muktsar Sahib to that of sentence already undergone by the petitioners, as petitioner Sadhu Singh has already undergone a period of 01 year 05 months and 27 days and petitioner- Kabal Singh has already undergone a period of 10 months and 30 days, out of total sentence of 03 years each imposed upon them and they are not involved in any other case.

4. Per contra, learned State counsel opposes the prayer of the petitioners on the ground that learned trial Court has passed a well-reasoned judgment 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 petitioners were convicted for misappropriation of paddy, attracting the offence under Section 406 of Indian Penal Code, for which no minimum punishment has been prescribed. As per their custody certificates, they are not involved in any other case and have already undergone a period of 01 year 05 months and 27 days; and 10 months

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and 30 days respectively, out of total sentence of 03 years each imposed upon them. Moreover, learned counsels for the petitioners have not assailed the judgment of conviction on merits. Rather, they have restricted their prayers only qua modification of order on quantum of sentence. Since there is no minimum punishment prescribed under Section 406 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.

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 ther 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 their 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



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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 said judgment is based on correct appreciation of evidence available on record. However, the FIR (supra) was lodged on 05.06.2003 and the petitioners have been suffering the agony of trial for last more than 21 years. Since their conviction, they have grown into law-abiding citizens and desires to live peaceful lives.

9. Therefore, in view of the discussion above, the present revision petition is disposed of in the following terms:-

(i) The judgment dated 24.10.2013 passed by the learned Additional Sessions Judge, Sri Muktsar Sahib is upheld.

(ii) The order of sentence dated 16.08.2011 is modified to the extent that the sentence of rigorous imprisonment for 03 years each along with fine of Rs.10,000/- each with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.

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

11. A photocopy of this order be placed on the file of other connected case.

(HARPREET SINGH BRAR)
JUDGE

26.05.2025

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No