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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRR-2988-2014 (O&M)
Date of Decision: 26.03.2025

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DHIRA AND ANOTHER

...PETITIONERS

Versus

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tara Chand Dhanwal, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Harpreet Singh Brar, J. (Oral)

1. The present revision petition is preferred against the judgment dated 25.08.2014 passed by learned Additional Sessions Judge, Bhiwani vide which judgment of conviction and order on quantum of sentence dated 11.10.2012/12.10.2012 passed by learned Judicial Magistrate Ist Class, Bhiwani have been upheld, whereby, petitioners have been convicted and sentenced as under:

Offence under Section	Sentence	Fine	Sentence in default of payment of fine
353 of IPC	Rigorous imprisonment for 01 year each	Rs. 200/- each	Rigorous imprisonment for 15 days
186 of IPC	Rigorous imprisonment for 02 months each	Rs. 100/- each	Rigorous imprisonment for 15 days
332 of IPC	Rigorous imprisonment for 02 years each	Rs. 300/- each	Rigorous imprisonment for 15 days
323 of IPC	Rigorous imprisonment for six months	Rs. 200/- each	Rigorous imprisonment for 15 days

All the sentenced were ordered to run concurrently.

2. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 25.08.2014 passed by learned



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Additional Sessions Judge, Bhiwani on merits and restricts his prayer to modification of the order on quantum of sentence dated 12.10.2012 to that of sentence already undergone by the petitioners, as petitioner-Dhira has already undergone a period of 01 month and 24 days(including remission) and petitioner-Vikram has already undergone a period of 01 month and 25 days (including remission) out of substantive sentence of 02 years imposed upon them.

3. 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 the said judgment has also been upheld by learned lower Appellate Court and as such, they do not deserve any leniency.

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

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 im-

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position 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 said judgment is based on correct appreciation of evidence available on record. It transpires that the petitioners were convicted under Sections 353, 186, 332 and 323 read with Section 34 of IPC, for which no minimum punishment has been prescribed. As per their custody certificates, petitioner-Dhira has already undergone a period of 01 month and 24 days(including remission) and petitioner-Vikram has already undergone a period of 01 month and 25 days (including remission) out of substantive sentence of 02 years imposed upon them. Moreover, learned counsel for the petitioners has not assailed the judgment of conviction on merits. Rather, he has restricted his prayer only qua modification of order on quantum of sentence. Since there is no minimum punishment prescribed under Sections 353, 186, 332 and 323 read with Section 34 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.

8. The FIR in the present case was lodged on 24.02.2012 and the petitioners have been suffering the agony of trial since the last more than 13

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years. Since their conviction, the appellants have grown into law-abiding citizens and desire to live peaceful life.

9. Accordingly, 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.

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

(i) The judgment of conviction dated 25.08.2014 passed by the learned Additional Sessions Judge, Bhiwani is upheld, however, the order of sentence dated 12.10.2012 is modified to the extent that the substantive sentence of rigorous imprisonment for 02 years with total fine of Rs. 800/- each with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.

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

(HARPREET SINGH BRAR)
JUDGE

26.03.2025*Ajay Goswami**Whether speaking/reasoned**Whether reportable**Yes/No**Yes/No*