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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-2364-2016 (O&M)
Date of Decision: 07.03.2025

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RESHAM SINGH

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Aakanksha, Advocate for
Mr. Lal Singh Sandhu, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. Present revision petition has been preferred by the petitioner against the judgment dated 16.05.2016 passed by learned Additional Sessions Judge, Fazilka vide which judgment of conviction and order on quantum of sentence dated 29.10.2015 passed by learned Sub Divisional Judicial Magistrate, Abohar, have been upheld and petitioner has been convicted and sentenced as under:

Offences under Section	Sentence	Fine	Sentence in default of payment of fine
279 of India Penal Code	Rigorous imprisonment for six months	Rs. 1,000/-	Rigorous imprisonment for one month
337 of Indian Penal Code	Rigorous imprisonment for three months	Rs. 500/-	Rigorous imprisonment for 15 days
338 of Indian Penal Code	Rigorous imprisonment for one year	Rs. 1,000/-	Rigorous imprisonment for two months

It was ordered that all sentences shall run concurrently.

2. Learned counsel for the petitioner *inter alia* contends that petitioner was involved in one more case, in which he has been acquitted by learned trial



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Additional Sessions Judge, Mansa, in FIR No. 10 dated 13.02.2016 registered under Sections 279, 304-A and 427 of IPC, at Police Station Sadar Mansa, is produced in the Court. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 16.05.2016 passed by learned Additional Sessions Judge, Fazilka on merits and restricts his prayer to modification of the order on quantum of sentence dated 29.10.2015 to that of sentence already undergone by the petitioner as he has already undergone a period of 04 months and 16 days including remission, and not involved in any other case.

3. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that 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. However, he could not controvert the fact that petitioner is not involved in any other case.

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



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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 lower Appellate Court indicates no perversity in its findings and the said judgment is based on correct appreciation of evidence available on record. 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. Perusal of record indicates that FIR(supra) was registered on 01.03.2014 and the petitioner has been suffering the agony of trial since the last about 11 years. As per the custody certificate, the petitioner has undergone total sentence of 04 months and 16 days, including remission, out of rigorous sentence of one year awarded to him and he is not involved in any other case.

9. Accordingly, 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.

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

(i) The judgment dated 16.05.2016 passed by the learned Additional Sessions Judge, Fazilka upholding the judgment of conviction dated 29.10.2015 passed by learned Sub Divisional Judicial Magistrate, Abohar is upheld, however, the order of sentence dated 29.10.2015 is modified to the extent that the sentence of rigorous imprisonment for one year awarded to the petitioner is reduced to the period of sentence already undergone by him.

(ii) Fine of Rs. 2,500/- imposed upon the petitioner is enhanced to Rs. 5,000/-. The petitioner is directed to deposit the amount of fine in the trial Court within one month from the date of receipt of certified copy of this order and in case of default of payment of fine, the petitioner shall be liable to be taken into custody and made to undergo simple imprisonment for one month.

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

(HARPREET SINGH BRAR)
JUDGE

07.03.2025*Ajay Goswami**Whether speaking/reasoned*
*Whether reportable**Yes/No*
Yes/No