



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

237

CRR-571-2014 (O&M)
Date of decision: 14.05.2025

Satnam Singh and another

....Petitioners

Versus

State of U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munish Bhardwaj, Advocate
for the petitioners.

Mr. J.S. Toor, APP, UT, Chandigarh.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred against the judgment dated 22.01.2014 passed by the learned Sessions Judge, Chandigarh, vide which judgment of conviction dated 07.11.2012 was upheld, however, the order on quantum of sentence dated 07.11.2012 passed by the learned Judicial Magistrate Ist Class, Chandigarh was modified in FIR No.104 dated 20.04.2004 registered under Sections 411, 417, 471, 120-B IPC at Police Station Sector 34, Chandigarh.

2. Learned State counsel submits that during the pendency of the revision petition, petitioner No.1 – Satnam Singh has passed away and therefore, the proceedings qua petitioner No.1 may be abated.

3. Ordered accordingly.



4. The petitioner No.2 was convicted by the learned Court below vide judgment of conviction dated 07.11.2012, however, his sentence was modified by learned Appellate Court as follows:

Offence	Sentence
Section 411 IPC	Rigorous imprisonment for a period of 06 months.
Section 473 IPC	Rigorous imprisonment for a period of 01 year and to pay fine of Rs.3,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 02 months.

- 4.1. Both the sentences were ordered to run concurrently.
5. Learned counsel appearing for petitioner No.2 contends that he is not assailing the impugned judgment of conviction dated 22.01.2014 on merits and restricts his prayer qua modification of the order on quantum of sentence, to that of the sentence already undergone by petitioner No.2 – Gurvinder Singh, as he has already undergone a period of 07 months and 11 days, including remissions and is not involved in any other criminal activity.
6. *Per contra*, learned State counsel opposes the prayer of the petitioner on the ground that the 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, the petitioner does not deserve any leniency.
7. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner was convicted under Sections 411 and 473 IPC, for which no



minimum punishment has been prescribed. As per the custody certificate, the petitioner is not involved in any other case and has already undergone an actual sentence of 07 months and 11 days, including remissions out of total sentence of 01 year, in the instant case. Since there was no minimum punishment prescribed under Sections 411 and 473 IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to petitioner No.2 – Gurvinder Singh is reduced to the period already undergone by him.

8. In ***Deo Narain Mandal Vs. 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, the 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.

9. Further, a two-Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala Vs. 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 conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

10. A perusal of the judgment of conviction passed by the learned Court below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Learned counsel for petitioner No.2 has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence already undergone by petitioner No.2.

11. The FIR in the present case was registered on 20.04.2004 and petitioner No.2 has been suffering the agony of trial since the last more than 21 years. Since his conviction, petitioner No.2 – Gurvinder Singh has grown into a law-abiding citizen and desires to live a peaceful life.

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

(i) The judgment dated 22.01.2014 passed by the learned Sessions Judge, Chandigarh, affirming the judgment of conviction dated 07.11.2012 is upheld.

(ii) The order of sentence is modified to the extent that the



sentence of rigorous imprisonment for a period of 01 year and fine along with default mechanism awarded to petitioner No.2 – Gurvinder Singh is reduced to the period of sentence already undergone by him.

13. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

14.05.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No