



245

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-4245-2017 (O & M)
Date of decision: 27.03.2025

HARJINDER KAUR

...PETITIONER

V/S

GURDEEP SINGH BEDI

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Sandeep Arora, Advocate for the petitioner.
Mr. Sanchit Punia, Advocate for
Mr. Himani Kapila, Advocate for the respondent.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 07.11.2017 passed by learned Additional Sessions Judge, Gurdaspur, vide which, judgment of conviction and order on quantum of sentence dated 31.10.2015 passed by learned Judicial Magistrate Ist Class, Gurdaspur in a complaint case filed under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as ‘NI Act’) have been upheld.

2. The petitioner was sentenced as under:

Offence	Sentence
138 NI Act	RI for 01 year with fine of Rs.2,000/-.

3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 31.10.2015 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioner. Learned counsel refers to the order dated 08.03.2018 passed by this Court and submits that the petitioner is a lady and she has undergone actual period of more than 04 months, out of total sentence of one year, awarded by learned trial Court.

4. *Per contra*, learned counsel for respondent 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, she does 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. 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 trial Court indicates no perversity in its findings and the same 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. The present complaint is of the year 2014 and the petitioner has been suffering the agony of protracted trial for last about 11 years. Since her conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life. As per the order dated 08.03.2018, vide which, the sentence of petitioner was suspended, she has undergone a period of more than 04 months, out of total sentence of one year, in the instant 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 her.

10. Consequently, the present petition is disposed of and the judgment dated 07.11.2017 passed by the learned Additional Sessions Judge, Gurdaspur, affirming the judgment of conviction is upheld, however, the order of sentence dated 31.10.2015 is modified to the extent that the sentence of rigorous imprisonment for one year along with fine awarded to the petitioner is reduced to the period of sentence already undergone by her.

(HARPREET SINGH BRAR)
JUDGE

March 27, 2025
manisha

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