



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

CRR-1718-2022 (O & M)
Date of decision: 08.04.2025

SARWAN SINGH

...PETITIONER

V/S

**THE PUNJAB STATE CO-OPERATIVE SUPPLY AND MARKETING
FEDERATION AND ANOTHER**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukhwinder Singh Kainth, Advocate for the petitioner.

Mr. Vivek Dahiya, Advocate for
Dr. Puneet Kaur Sekhon, Advocate for respondent No.1.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment of conviction and order on quantum of sentence dated 25.07.2022 passed by learned Sessions Judge, Fatehgarh Sahib, vide which, judgment dated 04.02.2020 passed by learned Judicial Magistrate Ist Class, Fatehgarh Sahib was reversed, in case stemming from a complaint bearing No.106 dated 15.11.2014 registered under Sections 406/420/120-B of IPC and the petitioner was sentenced as under :

Offence under Section(s)	Sentence
406 IPC	RI for nine months with a fine of Rs.10,000/-, in default of payment of fine to further undergo imprisonment for one month.

2. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 25.07.2022 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. He further submits that the petitioner has undergone a period of about one month, out of total sentence of nine months, awarded by learned lower Appellate Court and he is not a previous convict.

3. *Per contra*, learned counsel for respondent No.1 assisted by State counsel opposes the prayer of the petitioner as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, as such, he does 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 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 same is based on correct appreciation of evidence available on record. It transpires that the petitioner was convicted under Section 406 of IPC, for which no minimum punishment has been prescribed. 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 complaint in the present case was filed on 15.11.2014 and the petitioner has been suffering the agony of trial for the last more than 10 years. Since his conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life. Further, the petitioner has undergone a period of about one month, out of total sentence of nine months, awarded by learned lower Appellate Court.

9. 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 petitioner is reduced to the period already undergone by him.

10. Consequently, the present petition is disposed of and the



judgment dated 25.07.2022 passed by the learned Sessions Judge, Fatehgarh Sahib is upheld, however, the order of sentence dated 25.07.2022 is modified to the extent that the sentence of rigorous imprisonment for nine months and a fine of Rs.10,000/- along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

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

April 08, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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