

CRR-2709-2019 (O & M)
Date of decision: 27.03.2025

...PETITIONERS

V/S

...RESPONDENT

Present: Mr. Saleem Ahmed, Advocate for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 11.09.2019 passed by learned Additional Sessions Judge, Faridabad, vide which, judgment of conviction dated 04.02.2017 and order on quantum of sentence dated 07.02.2017 passed by learned Judicial Magistrate Ist Class, Faridabad in case stemming from FIR No.236 dated 24.09.2013 registered under Sections 381 and 34 of IPC at Police Station NIT Faridabad have been upheld and the petitioners were sentenced to undergo RI for one year each with a fine of Rs.500/- each, along with default mechanism under Sections 381/34 IPC.

2. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 11.09.2019 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioners. As per their custody certificate, both the petitioners have undergone actual period of 03 months and 12 days, out of total sentence of one year, awarded by learned trial Court and



they are not involved in any other case.

3. *Per contra*, learned State counsel opposes the prayer of the petitioners as 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, 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 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 petitioners has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

8. The FIR in the present case was lodged on 24.09.2013 and the petitioners have been suffering the agony of trial for the last more than 11 years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. As per their custody certificates, both the petitioners have undergone a period of 03 months and 12 days, out of total sentence of one year, awarded by learned trial Court and they are 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 petitioners is reduced to the period already undergone by them.

10. Consequently, the present petition is disposed of and the judgment dated 11.09.2019 passed by the learned Additional Sessions Judge affirming the judgment of conviction is upheld, however, the order of sentence dated 07.02.2017 is modified to the extent that the sentence of rigorous imprisonment for one year along 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, also stand(s) disposed of.

March 27, 2025
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(HARPREET SINGH BRAR)
JUDGE

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