

246 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRR-3258-2019 (O&M)
Date of Decision: 24.02.2025

M/S PINE PRECISION PRIVATE LIMITED AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Iarisa Carmen Suting, Advocate
and Mr. Himanshu Arora, Advocate for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

Mr. Abhinav Sood, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. The present revision petition is preferred against the judgment dated 15.11.2019 passed by learned Additional Sessions Judge, Faridabad vide which judgment of conviction and order on quantum of sentence dated 18.09.2017/19.09.2017 passed by learned Judicial Magistrate Ist Class, Faridabad have been upheld, whereby, petitioner No. 2 has been convicted and sentenced as under:

Offence under Section	Sentence	Compensation	Remarks
138 of Negotiable Instruments Act	Simple imprisonment for three months	Rs. 3,75,000/- to be paid to the complainant	Amount of compensation was ordered to be recovered as per the provisions of Section 421 of Cr.P.C.



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2. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 15.11.2019 passed by learned Additional Sessions Judge, Faridabad on merits and restricts his prayer to modification of the order on quantum of sentence dated 19.09.2017 to that of sentence already undergone by the petitioner No. 2 as he has already undergone a period of 01 month and 04 days out of total sentence of 03 months imposed upon him.

3. Per contra, learned State counsel assisted by learned counsel for respondent No. 2 opposes the prayer of the petitioner No. 2 on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and the said judgment has also been upheld by learned lower Appellate Court and 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 propor-



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tionality 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 said judgment 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 complaint in the present case was filed on 21.10.2014 and the petitioner No. 2 has been suffering the agony of trial since the last more than 10 years. As per the custody certificate, the petitioner No. 2 has undergone total sentence of 01 month and 04 days out of total sentence of three months awarded to him.



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9. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner No. 2 is reduced to the period already undergone by him. The petitioner has already paid Rs. 2.50 lac to the respondent No. 2.

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

(i) The judgment of conviction dated 15.11.2019 passed by the learned Additional Sessions Judge, Faridabad is upheld, however, the order of sentence dated 19.09.2017 is modified to the extent that the sentence of simple imprisonment for three months awarded to the petitioner No. 2 is reduced to the period of sentence already undergone by him.

(ii) However, the compensation as awarded by the learned Courts below would remain intact and respondent No. 2 would be at liberty to recover balance amount of Rs. 1,25,000/- in accordance with law.

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

(HARPREET SINGH BRAR)
JUDGE

24.02.2025
Ajay Goswami

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*