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

**CRR-1817-2017 (O&M)
Date of Decision: 09.04.2026**

Ravinder Kumar @ Titu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE H.S. GREWAL

Present : Mr. Udayveer Singh, Advocate and
Mr. Deepdaman Singh, Advocate
for the petitioner.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

H.S. GREWAL, J. (Oral)

1. The present petition has been filed for setting aside the judgment dated 19.08.2014 passed by the learned Judicial Magistrate Ist Class, Malout and judgment dated 06.05.2017 passed by learned Sessions Judge, Sri Muktsar Sahib.

2. The case of the prosecution is that the petitioner has been convicted in case FIR No.67 dated 02.04.2004 under Section 406 of IPC, registered at Police Station Sadar Malout on the basis of the complaint lodged by the District Food and Supply Controller, Sri Muktsar Sahib, alleging misappropriation of paddy worth Rs.44,47,193/-. Vide judgment and order dated 19.08.2014, the petitioner was sentenced to undergo rigorous imprisonment for a period of three years along with a fine of Rs.5,000/-. The said judgment was upheld by the learned Sessions Judge, Sri Muktsar Sahib vide judgment dated 06.05.2017.



3. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer *qua* modification of quantum of sentence. Learned counsel for the petitioner also submits that the petitioner has undergone imprisonment for a period of 02 months and 03 days of custody. It is further submitted that the FIR was registered in April, 2004 and the petitioner is facing the rigors of trial since the year 2004 and now he is about 60 years of age.

4. Learned State counsel opposes the prayer of the petitioner and has filed the custody certificate in the Court, which is taken on record. He further submits that the Courts below have passed well reasoned judgments based on correct appreciation of evidence available on record. However, he does not refute the fact that the petitioner is not involved in any other case.

5. I have heard learned counsel for the parties and have gone through the material placed on record.

6. The FIR in the present case pertains to the year 2004 and the petitioner has already faced the rigors of the trial for more than 20 years.

7. Hon'ble the Supreme Court in "***Deo Narain Mandal Vs. State of UP***", (2004) 7 SCC 257, has held 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 petitioner, 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.



8. Further, a Division Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166*, has held 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.

9. A perusal of the judgments of conviction passed by the Courts below indicate no perversity in their findings and the same are based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has not assailed the judgments, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioner.

10. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2004. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioner has already suffered the agony of protracted trial, spanning over a period of more than 20 years and has been in the corridors of the court for this prolonged period. In view of the facts noted above, the case of the petitioner deserves to be dealt with leniency. The petitioner also deserves the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bengal* reported in (1998) 9 SCC 678 and *Alister Anthony Pereira vs.*



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[2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] State of Maharashtra reported in 2012 2 SCC 648 and considering the facts and circumstances of the case, age of petitioner, his status in the society and the fact that he faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the petitioner is reduced to the period as already undergone by him.

11. Accordingly, judgments passed by the Id. Appellate Court as well as JMIC, Malout are hereby affirmed but the quantum of sentence awarded by the Courts concerned under Section 406 IPC has been modified and reduced to the period of sentence as already undergone by him. The petitioner is on bail. He need not surrender. His bail bonds are discharged. However, the fine is enhanced from Rs.5,000/- to Rs.50,000/- and the same should be deposited within a period of two months. In case of non-deposit of fine awarded within the stipulated period, the trial Court is directed to initiate the proceedings to recover the same from the petitioner in accordance with law.

12. With these modifications, the present revision petition is disposed of.

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

09.04.2026*Himani***(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No