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were also convicted under Section 323 read with Section 34 of IPC instead of Sections 323/149 of IPC.

3. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 29.08.2008 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 all the petitioners have already undergone a total period of 01 month and 29 days in custody. He further submits that accused/petitioners were involved in one more case, however, they are out from jail in the said case.

4. *Per contra*, learned State counsel opposes the prayer of the petitioners as the learned Courts below have passed well-reasoned judgments based on correct appreciation of evidence available on record and as such, they do not deserve any leniency. He further submits that the accused/petitioners were involved in one more case, however, could not controvert the fact that they are out from jail in the said case.

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioners were convicted under Sections 148/323/324/34 of IPC for which no minimum punishment has been prescribed. As per their custody certificates, petitioners have already undergone a period of 01 month and 29 days in custody and out of total sentence of one year, in the instant case. Since there is no minimum punishment prescribed under Sections 148/324/323/34 of IPC, 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.



6. In *Deo Narain Mandal vs. State of U.P. (2004) 7 SCC 257*, 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.

7. Further, the Hon'ble Supreme Court in *Ravada Sasikala vs. 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.

8. 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. However, the FIR (supra) was lodged on 20.08.1998 and the petitioners have been suffering the agony of trial

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for last more than 26 years. Since their conviction, they have grown into a law-abiding citizen and desire to live a peaceful life.

9. Therefore, in view of the discussion above, the present revision petition is disposed of in the following terms:-

(i) The judgment dated 29.08.2008 passed by the learned Additional Sessions Judge, Mansa, is upheld and sentence of one year and fine awarded by the learned trial Court is further reduced to the period of sentence already undergone by the petitioners.

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

**(HARPREET SINGH BRAR)**  
**JUDGE**

**09.04.2025***Neha*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No