



CRR-936-2011

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

CRR-936-2011 (O&M)
Decided on:30.04.2025

Renu Bala

.... Petitioner

versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Shivaly Singla, Advocate (Amicus Curiae)
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Harpreet Singh Brar, J. (Oral)

1. This revision petition has been preferred against the judgment dated 15.04.2011 passed by learned Sessions Judge, Yamuna Nagar vide which, judgment of conviction and order on quantum of sentence dated 29/31.07.2009 passed by learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri have been upheld, in complaint No.120 dated 20.04.1999 under Sections 465, 467, 468, 471 and 420 r/w 34 IPC at Police Station Yamuna Nagar and the petitioner was sentenced as under :

Offence	Sentence
Section 465 IPC	Rigorous imprisonment for a period of two years along with fine of Rs.2,500/- and in default of payment of fine, further undergo RI for three months.
Section 471 IPC	Rigorous imprisonment for a period of two years along with fine of Rs.2,500/- and in default of payment of fine, further undergo RI for three months.
Both the sentences were ordered to run concurrently.	



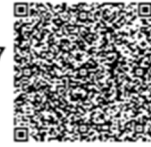
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2. Learned Amicus Curiae for the petitioner *inter alia* submits that the prosecution is unable to prove its allegations beyond reasonable doubt. Further, the complaint was filed on 20.04.1999 on the basis of Power of Attorney dated 12.12.1994 being time barred in view of the provisions of Section 468 Cr.PC . Further, the Gift Deed dated 05.05.1995 was never executed on the basis of disputed Power of Attorney rather it was executed on the basis of Power of Attorney dated 25.11.1993. Learned counsel further submits that learned Courts below have not taken this vital fact into consideration and findings recorded by both the Courts below are erroneous and deserve to be set aside. Further, on the same set of allegations, all of the co-accused have been discharged, which has resulted in grave injustice to the petitioner, who is a lady. It has also been submitted that the fine imposed by the trial Court has already been paid by the petitioner.

3. Per contra, learned 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, which has also been upheld by the learned lower Appellate Court and as such, she 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 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



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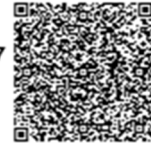
quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

6. Further, 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.

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. It transpires that the petitioner was convicted under Sections 465/471 IPC, for which no minimum punishment has been prescribed.

9. The complaint in the present case was filed on 20.04.1999 and the petitioner has been suffering the agony of trial for the last more than 26 years. Since her conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life. As per her custody certificate, the petitioner has undergone actual custody period of 06 months and 05 days out of total sentence of two years, awarded by learned trial Court and she is not involved in any other case.

10. Since there is no minimum punishment prescribed under



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Sections 465/471 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 her.

11. Consequently, the present petition is disposed of and the judgment dated 15.04.2011 passed by the learned Sessions Judge, Yamuna Nagar affirming the judgment of conviction dated 29.07.2009 is upheld, however, the order of sentence dated 31.07.2009 is modified to the extent that the sentence of rigorous imprisonment for two years along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by her.

12. The High Court Legal Services Authority is directed to pay remuneration to learned *Amicus Curiae* as per rules.

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

30.04.2025
sonia

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No