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

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Date of Decision: 29.08.2025

RAMESH KUMAR GOYAL AND ANR

... PETITIONERS

VERSUS

STATE OF PUNJAB

... RESPONDENT

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

Present:- Mr. G.S.Bal, Senior Advocate with  
Mr. Avtar Singh, Advocate for the petitioners.

**H.S. Grewal, J.(Oral)**

1. This revision petition has been filed against the judgment of conviction and order of quantum of sentence dated 26.05.2009 passed by learned Judicial Magistrate Ist Class , Fatehgarh Sahib, in case FIR No.87 dated 31.08.2000 under Section 420 of IPC registered Police Station Bassi Pathana. Thereafter, the appeal has been filed before the Id. Appellate Court and the same was dismissed vide order dated 07.05.2010.

2 The allegations levelled against the petitioners are that the petitioners had received Rs. 3.50 lakhs from one Surinder Singh for sending his brother abroad and also received Rs. 1.75 lakhs from Ram Singh for sending his grandson Jaspreet Singh abroad. Pursuant thereto, vide order dated 26.05.2009 passed by the learned Judicial Magistrate Ist Class , Fatehgarh Sahib, the petitioners were convicted and were sentenced to undergo rigorous



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imprisonment for a period of 01 year each and to pay a fine of Rs.1000/- each for the commission of offence punishable under Section 420 of the IPC and further in default thereof, to undergo rigorous imprisonment for a period of 01 month.

3. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction on merits and restricts his prayer qua modification of the order on quantum of sentence. He further submits that the prosecution has failed to lead any evidence to show that petitioners had received any amount from Surinder Singh and were acquitted of the said charge by Id. Sessions Judge and charge regarding Rs. 1.75 lakhs from Ram Singh, the prosecution has been able to prove the receipt of Rs.50,000/- only. He also contends that the petitioners have already undergone a period of more than two months out of awarded sentence of 01 year and stated that the petitioners are not involved in any other case. He prays that since FIR in question pertains to the year 2000, a lenient view may be taken while passing an order on quantum by this Court.

4. Notice of motion.

5. Mr. Rishab Singla, AAG, Punjab appears and accepts notice on behalf of the respondent-State. He opposes the prayer of the petitioners and submits that the Courts below has passed a well reasoned judgment based on correct appreciation of evidence available on record. However, he does not refute the fact that the petitioners are not involved in any other case. He further submits that the both the complainants have since expired.



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

7. The FIR in the present case pertains to the year 2000 and he has already faced the rigors of the trial for more than 25 years.

8. 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 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.

9. Further, a two-Judge 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



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accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

10. 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, learned counsel for the petitioners has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the petitioners.

11. 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 2000. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The petitioners have already suffered the agony of protracted trial, spanning over a period of more than 25 years and has been in the corridors of the court for this prolonged period. They remained incarcerated for more than two months. They are living peacefully for last two and a half decades as no report contrary to that has been received. In view of the facts noted above, the case of the petitioners deserves to be dealt with leniency. The petitioners 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 Bangal\*](#) reported in (1998) 9 SCC 678 and [\*Alister Anthony Pareira vs.\*](#) [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] [\*State of Maharashtra\*](#) reported in 2012 2 SCC 648 and considering the facts and

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circumstances of the case, age of petitioners, their status in the society and the fact that they 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 petitioners are reduced to the one already undergone by them.

12. Accordingly, judgment of conviction and order of quantum of sentence dated 26.05.2009 passed by learned Judicial Magistrate Ist Class , Fatehgarh Sahib, is affirmed but the quantum of sentence awarded by the Court concerned under Sections 420 of IPC has been modified and reduced to the period of sentence they have undergone till date. The petitioners are on bail. They need not surrender. Their bail bonds are discharged. However, the amount of fine is enhanced to Rs. 5,000/- each over and above the fine already imposed vide impugned order of sentence dated 26.05.2009.

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

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

**29.08.2025***renu*

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

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