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

CRR-557-2011

Date of decision: 25.02.2025

Ram Singh @ Kala and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vinay Bajaj, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment dated 11.02.2011 passed by the learned Sessions Judge, Bathinda, vide which judgment of conviction and order on quantum of sentence dated 10.08.2009 passed by the learned Judicial Magistrate 1st Class, Phul, in FIR No.51 dated 18.11.2001 under Sections 342/325/323/34/324 of the Indian Penal Code (for short 'IPC'), registered at Police Station Baliawali, have been upheld.

2. The petitioners were convicted by the learned Judicial Magistrate 1st Class, Phul vide judgment dated 10.08.2009 and were sentenced as mentioned below:

Offence	Sentence
Section 323 of IPC	Rigorous imprisonment for 06 months along with fine of Rs.1,000/-, in default of which rigorous imprisonment for 01 month.
Section 324 of IPC	Rigorous imprisonment for 01 year along with fine of Rs.2,000/-, in default of which rigorous imprisonment for 02 months.
Section 325 of IPC	Rigorous imprisonment for 02 years along with fine of Rs.3,000/-, in default of which rigorous imprisonment for 03 months.
Section 342 of IPC	Rigorous imprisonment for 06 months along with fine of Rs.1,000/-, in default of which rigorous imprisonment for 01 month.



It was ordered that all sentences shall run concurrently.

3. The petitioners preferred an appeal against judgment dated 10.08.2009 which was dismissed by learned lower Appellate Court vide judgment dated 11.02.2011.

4. Learned counsel for the petitioners contends that he is not assailing the impugned judgment of conviction dated 10.08.2009 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 petitioner-Ram Singh @ Kala has already undergone a period of 10 days and is involved in one more case in which he is on bail and petitioner-Beera Singh has undergone a period of 01 month and 29 days.

5. Per contra, learned State counsel opposes the prayer of the petitioners as the 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 Appellant Court and as such, they do not deserve any leniency.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. In *Deo Narain Mandal v. State 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 proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. 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.

9. 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. 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.

10. The FIR in the present case was lodged on 18.11.2001 and the petitioners have been suffering the agony of trial since the last more than 23 years. Since their conviction, the petitioners have grown into a law-abiding citizen and desire to live a peaceful life. As per custody certificate of Ram Singh, he is involved in one other case but on bail in that case and has

undergone actual sentence of 10 days out of total sentence of 02 years in the instant case. Petitioner-Beera Singh has undergone a period of 01 month and 29 days and not involved in any other case.

11. Accordingly, 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.

12. Consequently, the present appeal is disposed of in the following terms:-

(i) The judgment dated 11.02.2011 passed by the learned Sessions Judge, Bathinda, affirming the judgment of conviction is upheld, however, the order of sentence dated 10.08.2009 is modified to the extent that the sentence of rigorous imprisonment for 02 years along with default mechanism awarded to the petitioners is reduced to the period of sentence already undergone by them.

(ii) The sentence of fine of total amount of Rs,7,000/- each imposed upon the petitioners by the trial Court is increased to Rs.15,000/- each. The petitioners are directed to deposit the amount of fine in the trial Court within one month from the date of receipt of certified copy of this order and in case of default of payment of fine, the petitioners shall be liable to be taken into custody and made to undergo rigorous imprisonment for one month.

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

(HARPREET SINGH BRAR)
JUDGE

25.02.2025

Neha

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