

**CRR-186-2011****1****215****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRR-186-2011****Date of decision:21.04.2025****JEETO DEVI****..Petitioner****Versus****STATE OF HARYANA AND ANOTHER****..Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Chander Shekhar, Advocate  
for petitioner.

Mr. Vikas, AAG Haryana.

**HARPREET SINGH BRAR, (ORAL).**

1. Present revision petition is preferred against the judgment of conviction dated 07.08.2010 and order of sentence dated 10.08.2010 passed by learned Additional Sessions Judge, Fast Track Court, Kurukshetra in case stemming from FIR No.216 dated 19.07.2003 registered under Sections 323/354/506 of IPC at Police Station Sadar Thanesar, whereby accused has been sentenced for maximum sentence of one year along with total fine of Rs.2,000/- along with default mechanism for commission of offences under Sections 354/323/506 of IPC.

2. Succinctly, the prosecution version is that on 19.07.2003 the accused person had tried to outrage the modesty the petitioner-complainant by use of criminal force and he has also threatened the petitioner to eliminate her while fleeing from the spot and thus on a complaint filed by the petitioner on the same day an FIR bearing No.216 dated 19.07.2003 under Sections 323, 354, 506 IPC registered at P.S. Sadar Thanesar. That the accused was tried in the Court of learned Judicial Magistrate Ist Class,



Kurukshetra. Vide judgment dated 13.08.2009 respondent-accused was acquitted. The said judgment was challenged by the State before learned Appellate Court. Vide judgment dated 07.08.2010 and order of sentence dated 10.08.2010 respondent No.2 has been awarded a lesser sentence which is not consistent with the peculiar facts and evidence of the case. Thus, the sentence awarded to the accused is liable to be enhanced. Hence the revision petition.

3. Learned counsel for the petitioner *inter alia* contends that the learned Court below fell into error by awarding sentence of merely 1 year to the accused. The charges against him stand duly proven by all the prosecution witnesses. As such, the learned Court below ought not to have awarded meagre sentence to the accused.

4. *Per contra*, learned State counsel submits that the Court below has rightly convicted the accused person under Sections 323/354/506 on the basis of proper appreciation of material available on record.

5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the accused has maintained good conduct and do not have criminal antecedents. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society.

6. In *Deo Narain Mandal v. 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

**CRR-186-2011****3**

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. 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.

7. In view of the facts and circumstances of the case, this Court finds no perversity or illegality in findings recorded by the learned Court below, which warrant interference. Hence, the instant revision petition stands dismissed.

**21.04.2025***Poonam***(HARPREET SINGH BRAR)  
JUDGE**

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