

101

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

**CRA-S-1681-SB-2003 (O&M)  
Date of decision: 02.04.2025**

**Naubat Rai**

**... Appellant**

**Vs.**

**State of Punjab**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Sandeep Sharma, Advocate (*Amicus Curiae*),  
Mr. G.S. Madaan, Advocate,  
Mr. Abhishek Batta, Advocate  
for the appellant.

Mr. Subhash Godara, Addl. A.G., Punjab.

\*\*\*\*\*

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

1. Present appeal has been preferred against the judgment of conviction and the order of sentence dated 30.08.2003 passed by learned Additional Sessions Judge, Fast Track Court, Ferozepur, in FIR No.60 dated 29.08.2001 under Sections 308, 323, 353, 186 of the Indian Penal Code (for short 'IPC'), registered at Police Station Cantt. Ferozepur, vide which the appellant was convicted under Sections 325, 323, 353 & 186 of IPC and was sentenced to undergo rigorous imprisonment for a maximum period of three



years and to pay a total fine of Rs.300/- along with default mechanism.

2. Brief facts of the case, as per the case set up by the prosecution, are that FIR (*supra*) was registered on the basis of a written complaint submitted by SDO, PSEB, Sub Division Cantt-I to the police, on the allegations that on 28.08.2001 at about 04.20 p.m., when officials of Punjab State Electricity Board (for short 'PSEB'), namely Manjit Singh, Lineman, Vir Singh, Assistant Lineman (for short 'ALM'), Des Raj, ALM and Binder Singh, ALM went to house of one Jagdish Parshad to recover outstanding amount of Rs.4254/- on account of electricity charges, from him and to cut the electric supply to his house, the appellant and two other persons aged about 20 years abused them and obstructed them from doing their official duty. Thereafter, Manjit Singh and Vir Singh came out of the house and the appellant, from the roof of the house, gave a brick bat blow, which hit on the head of Vir Singh, ALM, on which he fell down and became unconscious. Other officials of PSEB got him admitted in Civil Hospital, Ferozepur. Hence, FIR (*supra*).

3. After assessing all the material available on record, learned trial Court vide judgement of conviction and order of sentence dated 30.08.2003, convicted the appellant and sentenced him to undergo rigorous imprisonment for a maximum period of three years and to pay a total fine of Rs.300/- along with default mechanism.

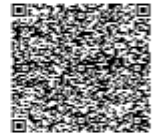
4. Learned *Amicus Curiae* appearing for the appellant contends that the incident took place on 28.08.2001 at about 04.20 p.m. and on the next day



i.e. 29.08.2001, FIR (*supra*) was registered at 09.00 p.m. and there is an unexplained delay in lodging the present FIR. Further, the injury suffered by injured Vir Singh was self-inflicted, while grappling with the appellant inside the house and even the appellant also suffered as many as 07 injuries. Learned trial Court, while taking harsh view against the appellant, convicted him under Sections 325, 323, 353, 186 of IPC, instead of Section 308 of IPC. Moreover, keeping in view clean antecedents of the appellant, he should be granted the concession of probation. He further submits that the appellant has already undergone actual sentence of 01 month and 21 days and is not involved in any other criminal activity.

5. *Per contra*, learned State counsel has produced the custody certificate dated 02.04.2025 of the appellant in the Court today, which is taken on record. He opposes the prayer made by the appellant, as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, he does not deserve any leniency.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the appellant was convicted under Sections 325, 323, 353 & 186 of IPC, for which no minimum punishment has been prescribed. As per his custody certificate dated 02.04.2025, the appellant is not involved in any other case and he has already undergone an actual sentence of 01 month and 21 days in the instant case. Since there is no minimum punishment prescribed under Sections 325, 323, 353 & 186



of IPC, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the appellant is reduced to the period already undergone by him.

7. 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.

8. 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.

9. A perusal of the judgment of conviction passed by 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*) in the present case was lodged on 29.08.2001 and the appellant has been suffering the agony of trial for the last more than 23 years. Since his conviction, the appellant has grown into a law-abiding citizen and desires to live a peaceful life.

10. Consequently, the present appeal is disposed of and the judgment of conviction dated 30.08.2003 is upheld, however, the order of sentence of even date is modified to the extent that the sentence of rigorous imprisonment for a maximum period of three years and total fine of Rs.300/- along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.

11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

12. The High Court Legal Services Committee is directed to pay the remuneration to learned *Amicus Curiae*, as per relevant Rules/Orders.

**[ HARPREET SINGH BRAR ]**  
**JUDGE**

02.04.2025  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No