



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

207

CRR-554-2008

Date of decision: 04.09.2025

Kulwinder and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Krishan Sehjpal, Advocate
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioners have filed the instant revision petition to impugn the order dated 14.01.2008 passed by learned Additional Sessions Judge (Adhoc), Jalandhar, whereby the appeal preferred by them against the judgment of conviction and order of sentence dated 03.08.2006 passed by learned Sub Divisional Judicial Magistrate, Nakodar, in case FIR No.198 dated 08.06.2002 under Sections 452/326/325/323/506/34 of the IPC, was dismissed, however, their sentence under Section 326 of the IPC was reduced from 03 years to 02 years.

2. Vide judgment dated 03.08.2006, learned Sub Divisional Judicial Magistrate, Nakodar, convicted the petitioners and sentenced as under:-



Name of the convict	Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
Kulwinder	452 of the IPC	RI for 02 years	Rs.1,000/-	SI for 01 month
	326 of the IPC	RI for 03 years	Rs.2,000/-	SI for 01 month
	325/34 of the IPC	RI for 02 years	Rs.1,000/-	SI for 01 month
	324 of the IPC	RI for 01 year	Rs.1,000/-	SI for 01 month
	323/34 of the IPC	RI for 01 year	-	-
Darshan Ram	326/34 of the IPC	RI for 03 years	Rs.2,000/-	SI for 01 month
	452 of the IPC	RI for 02 years	Rs.1,000/-	SI for 01 month
	325 of the IPC	RI for 02 years	Rs.1,000/-	SI for 01 month
	324/34 of the IPC	RI for 01 year	Rs.1,000/-	SI for 01 month
	323/34 of the IPC	RI for 01 year	-	-
Nimmo	452 of the IPC	RI for 02 years	Rs.1,000/-	SI for 01 month
	326/34 of the IPC	RI for 03 years	Rs.2,000/-	SI for 01 month
	325/34 of the IPC	RI for 02 years	Rs.1,000/-	SI for 01 month
	324/34 of the IPC	RI for 01 year	Rs.1,000/-	SI for 01 month
	323 of the IPC	RI for 01 year	-	-

3. Learned counsel for the petitioners, at the very outset, submits that the instant revision petition has been rendered abated qua petitioner No.1-Kulwinder and petitioner No.2-Darshan Ram, who have both expired after filing of the instant petition.

4. Learned counsel for petitioner No.3 submits that as far as petitioner No.3-Nimmo is concerned, he would not press the instant petition on merits in view of the concurrent findings of the facts



CRR-554-2008

recorded by the learned Trial Court and learned Appellate Court, and instead would restrict his prayer to the quantum of sentence only. It is urged that the occurrence pertains to the year 2002, and petitioner No.3 has already undergone incarceration for a period of 05 months and 05 days including remission. It is further submitted that petitioner No.3 has endured the ordeal of protracted criminal proceedings, is a peace-loving and law-abiding citizen, and has no other criminal antecedents. On these premises, learned counsel pleads for a lenient view, contending that no useful purpose would be served by subjecting petitioner No.3 to further incarceration.

5. *Per contra*, learned State counsel has opposed the prayer for reduction of sentence while drawing attention to the concurrent findings recorded against petitioner No.3; it has been submitted that the conviction calls for no interference. However, the learned State counsel is unable to dispute that subsequent to the occurrence of the year 2002, petitioner No.3 has maintained good conduct and has not been involved in any other criminal activity.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. In the considered view of this Court, having regard to the facts enumerated hereinabove, particularly the circumstance that the occurrence is of the year 2002, and taking note of the fact—undisputed by the learned State counsel, that petitioner No.3 has not indulged in any other criminal act thereafter and has otherwise been leading a disciplined and law-abiding life, it would not be appropriate to send her



CRR-554-2008

back to prison at this stage of life, especially when she has already borne the brunt of prolonged trial proceedings.

8. In the totality of circumstances, ends of justice would be adequately met if, while upholding the conviction of petitioner No.3, her substantive sentence of rigorous imprisonment for a period of 02 years is reduced to the period already undergone i.e. 05 months and 05 days.

9. Ordered accordingly.

10. With the aforesaid modification in the quantum of sentence, the instant revision petition stands disposed of.

04.09.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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