



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

284

CRR-1037-2014

Date of decision : 17.07.2025

Kuldip Singh @ Sonu and another

... Petitioners

Versus

State of Punjab

.. Respondent

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

Present:- Mr. Rajiv Kumar Trikha, Advocate for the petitioners.

Mr. Manvir Singh Toor, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. This revision petition has been filed against the judgment dated 03.03.2014 passed by the learned Additional Sessions Judge, (Adhoc), Fast Track Court, Hoshiarpur whereby the judgment of conviction and order of quantum of sentence dated 10.01.2011 passed by learned Judicial Magistrate Ist Class, Mukerian has been upheld, in case FIR No.17 dated 20.04.2023 under Sections 452, 325, 323 & 34 IPC, registered at Police Station Hajipur and the petitioners have been convicted and sentenced to undergo imprisonment along with fine as under:-

Name of Convict(s)	Section(s)	Rigorous imprisonment	Fine	In default of payment of fine to undergo RI for
Kuldip Singh	325 IPC	02 years	Rs.1,000/-	03 months
	323/34 IPC	06 months	Rs.500/-	01 month
	452 IPC	02 years	Rs.1,000/-	03 months
Parmila Devi	325 IPC	02 years	Rs.1,000/-	03 months



	323/34 IPC	06 months	Rs.500/-	01 month
	452 IPC	02 years	Rs.1,000/-	03 months

The trial Court had ordered that all the sentences shall run concurrently.

2. The case of the prosecution is that on February 26, 2003, the complainant was at home watching television with her children. She heard a noise outside and went out to check. She saw the accused persons standing outside her house. They shouted that she should be taught a lesson for filing a civil case against them in court. Then, petitioner No.1 had hit the complainant on her nose with a stick while petitioner No.2 had thrown a brick at her, which hit her chest. After attacking her, they ran away. Thereafter, upon conclusion of the trial, the petitioners were held guilty by the learned Judicial Magistrate Ist Class, Mukerian vide impugned judgment dated 10.01.2011 and was heard on quantum of sentence on 10.01.2011 as enumerated above. Thereafter, they preferred an appeal thereagainst which was dismissed by the learned Additional Sessions Judge, (Adhoc), Fast Track Court, Hoshiarpur vide judgment dated 03.03.2014.

3. At the very outset, learned counsel for the petitioners submits that he is not assailing the judgment of conviction on merits, rather restricts his prayer qua modification of the order of sentence to the period already undergone as the petitioners have already undergone an actual sentence of 01 year, 01 month and 20 days out of total sentence of 02 years. He further submits that the petitioners have been suffering the agony of trial since 20.04.2003. He also submits that without referring to the merits of the case, he prays for reduction of sentence while taking a lenient view on the ground that



the petitioners are not involved in any other case and have not indulged in any such activity, even after their release on suspension of sentence by this Court vide order dated 19.05.2015.

4. On the other hand, learned State counsel opposes the prayer of the petitioners by way of filing of custody certificates dated 16.07.2025 on the ground that the learned trial Court concerned has passed a well-reasoned judgment after taking into consideration the entire evidence and the material available on record and there is no perversity or illegality in the findings returned by it. He further submits that the petitioners are not involved in any other case.

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

6. A two Judge-Bench of the Hon'ble Supreme Court in ***Mohd. Giasuddin Vs. State of AP, AIR 1977 SC 1926***, speaking through Justice V.R. Krishna Iyer, has observed as under:-

"Crime is a pathological aberration. The criminal can ordinarily be redeemed and the state has to rehabilitate rather than avenge. The sub-culture that leads to antesocial behaviour has to be countered not by undue cruelty but by reculturization. Therefore, the focus of interest in penology is in the individual and the goal is salvaging him for the society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today vies sentencing as a process of reshaping a person who has deteriorated into criminality and the modern community has a primary stake in the rehabilitation of the offender as a means of a social defence.

Hence a therapeutic, rather than an 'in terrorem' outlook should prevail in our criminal courts, since brutal incarceration of the



person merely produces laceration of his mind. If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him and, men are not improved by injuries."

7. 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.

8. Further, a two-Judges 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 accused to strike a balance between the efficacy of law and the chances of reformation of the accused.



CRR-1037-2014

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. However, learned counsel for the petitioners have 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.

10. Since the FIR in the present case was registered on 20.04.2003 and the petitioners have been suffering the agony of trial since the last more than 21 years. The petitioners have undergone an actual sentence of 01 year, 01 month and 20 days out of total sentence of 02 years and they are not involved in any other case, therefore, while taking a lenient view, 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.

11. In view of above, the present revision petition is **disposed of** by upholding the judgment dated 03.03.2014 passed by the trial Court to the extent of conviction, but the sentence is modified to the extent that the sentence of rigorous imprisonment for a period of 02 years and 06 months irrespective sections imposed upon the petitioners is reduced to the period already undergone by them. However, the amount of fine imposed upon the petitioners shall remain intact.

17.07.2025
A.Kaundal

(H.S.GREWAL)
JUDGE

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