



**201-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-2232-SB-2008
Date of decision: 21.05.2025**

PANKAJ

...APPELLANT

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Maneet Kaushik, Advocate for
Mr. Ashit Malik, Advocate for the appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This appeal has been filed against the judgment of conviction and order of sentence dated 06/08.11.2008 passed by learned Additional Sessions Judge, Karnal, in case stemming from FIR No.453 dated 08.09.2007 registered under Sections 363, 366, 376/34 of IPC at Police Station Civil Line, Karnal, whereby, the appellant was sentenced as under :

Offence under Section	Sentence
363 of IPC	RI for three years with a fine of Rs.500/-, in default of payment of fine, to further undergo SI for 01 month.
366 of IPC	RI for three years with a fine of Rs.500/-, in default of payment of fine, to further undergo SI for 01 month.
366-A of IPC	RI for three years with a fine of Rs.500/-, in default of payment of fine, to further undergo SI for 01 month.
It was ordered that all the sentences shall run concurrently.	

2. Learned counsel for the appellant contends that he is not assailing



the impugned judgment of conviction dated 06.11.2008 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the appellant. As per his custody certificate, the appellant has undergone a period of 02 months and 06 days, out of total sentence of three years, awarded by learned trial Court and is not involved in any other case.

3. *Per contra*, learned State counsel opposes the prayer of the appellant as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, as such, he does not deserve any leniency.

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

5. 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 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.

6. 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. 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. It transpires that the appellant was convicted under Sections 363/366/366-A of IPC, for which no minimum punishment has been prescribed. Moreover, learned counsel for the appellant has not assailed the judgment of conviction on merits, rather he has restricted his prayer only qua modification of quantum of sentence.

8. The FIR in the present case was lodged on 08.09.2007 and the appellant has been suffering the agony of trial for the last more than 17 years. Since his conviction, the appellant has grown into law-abiding citizen and desires to live a peaceful life. As per his custody certificate, the appellant has undergone a period of 02 months and 06 days, out of total sentence of three years, awarded by learned trial Court and he is not involved in any other case.

9. Since there is no minimum punishment prescribed under Sections 363/366/366-A 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.



10. Consequently, the present appeal is disposed of and the judgment of conviction dated 06.11.2008 passed by the learned Additional Sessions Judge, Karnal is upheld, however, the order of sentence dated 08.11.2008 is modified to the extent that the sentence of rigorous imprisonment for three years and fine along with default mechanism awarded to the appellant is reduced to the period of sentence already undergone by him.

May 21, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |