



CRR-236-2013

1

218

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

CRR-236-2013

Date of decision:21.04.2025

RAME @ RAMA DEVI AND ANOTHER **..Petitioners**

Versus

STATE OF HARYANA **..Respondent**

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rakesh Nehra, Senior Advocate with
Mr. Manoj Kumar, Advocate
for the petitioners.

Mr. Harkesh Kumar, AAG, Haryana.

HARPREET SINGH BRAR, (ORAL).

1. This revision petition has been preferred against the judgment dated 15.01.2013 passed by learned Addl. Sessions Judge, Rohtak, vide which, judgment of conviction dated 21.05.2012 passed by learned Judicial Magistrate Ist Class, Rohtak, has been upheld and order of sentence dated 21.05.2012 has been modified, in case stemming from FIR No.40 dated 7.03.2004 registered under Sections 406 and 120 B of IPC at Police Station Sadar, Rohtak and the petitioners were sentenced by learned lower Appellate Court as under :

Offence under Section(s)	Sentence
406 read with Section 511 IPC to petitioner Rame Devi	SI of 6 month
120-B to both petitioners	SI of 6 months each

It was ordered that both sentences shall run concurrently.



CRR-236-2013

2

2. Learned counsel for the petitioners contends that they are not assailing the impugned judgment of conviction dated 15.01.2013 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the sentence already undergone by the petitioners. As per their custody certificate, the petitioner-Rama Devi has undergone actual custody period of 1 month and 12 days and petitioner-Pale Ram has undergone actual custody period of 3 months and 17 days out of total sentence of 6 months awarded by learned lower Appellate Court and are not involved in any other case.

3. *Per contra*, learned State counsel opposes the prayer of the petitioners as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned lower Appellate Court and as such, they do 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 petitioners were convicted under Sections 406/511 and 120-B of IPC, for which no minimum punishment has been prescribed. Moreover, learned counsel for the petitioners 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 7.3.2004 and the petitioners have been suffering the agony of trial for the last more than 21 years. Since their conviction, the petitioners have grown into law-abiding citizen and desire to live a peaceful life. As per their custody certificate, the



CRR-236-2013

4

petitioner No.1-Rama Devi has undergone actual custody period of 1 month and 12 days and petitioner No.2-Pale Ram has undergone actual custody period of 3 months and 17 days out of total sentence of 6 months awarded by learned lower Appellate Court and they are not involved in any other case.

9. Since there is no minimum punishment prescribed under Sections 406, 511 and 120-B of IPC, 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.

10. Consequently, the present petition is disposed of and the judgment dated 15.01.2013 passed by the learned Additional Sessions Judge, Rohtak affirming the judgment of conviction is upheld, however, the order of sentence awarded by learned lower Appellate Court is modified to the extent that the sentence of rigorous imprisonment for 6 months each to petitioners is reduced to the period of sentence already undergone by them.

11. Pending miscellaneous application(s), if any, also stand(s) disposed of.

21.04.2025

Poonam

(HARPREET SINGH BRAR)
JUDGE

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