



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

227

CRR-1928-2011

Date of decision: 11.07.2025

Pardeep Kumar

...Petitioner

Versus

Smt. Sudesh and others

...Respondents

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

Present : Mr. Sandeep Kotla, Advocate, for the petitioner.

Ms. Monika Jalota, Advocate, for respondent No.1.

Mr. Aditya Pal Singla, AAG, Haryana, for respondent No.2.

H.S. GREWAL, J. (Oral)

1. The present revision petition has been filed against the impugned judgment dated 17.08.2011 passed by the learned Sessions Judge, Jind, in a complaint filed under Section 420 IPC, dismissing the appeal and upholding the judgment of conviction dated 16.04.2011 and order on quantum of sentence dated 18.04.2011 passed by Additional Chief Judicial Magistrate, Jind, whereby petitioner has been convicted under Section 420 of IPC and sentenced to undergo rigorous imprisonment for a period of 1 year with the fine of Rs.1,000/- and in default of the payment of fine, he was ordered to further undergo RI for 3 months.

2. The case of the prosecution is that the accused had approached the husband of the complainant to get a insurance policy for which premium of Rs. 6,667/- was paid on 01.12.2005. The husband of the complainant died at 9:30 am on 05.04.2006 in a road side accident but premium amount was



deposited by accused/petitioner on 05.04.2006 at 10:12 am. i.e. after the death of the husband of the complainant. The Branch Manager of Life Insurance Corporation of India refused to give the claim as the same was time barred. The complaint was filed in the year 2008.

3. Learned counsel for the petitioner contends that the petitioner is not assailing the impugned judgment dated 17.08.2011 upholding the judgment of conviction and order of sentence passed by the trial Court on merits and restricts his prayer qua modification of the order on quantum of sentence, to the period as already undergone by the petitioner, as he has already undergone imprisonment for a period of 2 months out of total sentence of 1 year (as reflected in the order dated 03.10.2011 of this Court). He further prays that since the complaint in question pertains to the year 2008, a lenient view may be taken while passing an order/ judgment by this Court.

4. On the other hand, learned State counsel opposes the prayer of the petitioner as mentioned hereinabove and submits that the learned trial Court and Ist Appellate Court has passed well-reasoned judgments based on correct appreciation of evidence available on record.

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

6. The petitioner has been convicted for not depositing the instalment of premium amount of LIC of the husband of the complainant. Moreover, the complaint in the present case pertains to the year 2008 and the petitioner has already faced the rigors of the trial for more than 17 years.



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 Judge 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 realize 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.

9. A perusal of the judgment of conviction passed by the learned trial Court and learned appellate Court indicates no perversity in their findings and the same is based on correct appreciation of evidence available on record. However, learned counsel for the petitioner has 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 petitioner.

10. Since there is no minimum punishment prescribed under Section 420 IPC and keeping in view the fact the complaint pertains to the year 2008 and the petitioner has faced the rigors of trial for a period of more than 17 years, 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 petitioner is reduced to the period already undergone by him.

11. In view of above, the revision petition is **disposed of** by upholding the judgment dated 17.08.2011 passed by the learned Appellate Court, however, the order of sentence is modified to the extent that the sentence of rigorous imprisonment for a period of 1 year imposed upon the petitioner is reduced to the period of sentence already undergone by him. However, the fine is increased from Rs.1,000/- to 10,000/- over and above to be paid to the complainant (Rs.1000/- already paid). In case, the complainant is not found, the amount be deposited with the trial Court.

(H.S. GREWAL)
JUDGE

11.07.2025

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