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counting, was found to be 7 Gattu. Thereafter, FIR was got registered, accused was arrested and later on, released on bail. After completion of all the formalities, challan was presented in the Court concerned. On completion of trial, vide judgment of conviction and order of sentence dated 03.08.2023, passed by learned Judicial Magistrate Ist Class, Batala, the petitioner was sentenced to undergo RI for 06 months with fine of Rs.1,000/- and further, in default of payment of fine, was sentenced to undergo RI for 07 days.

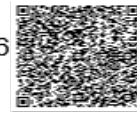
3. Aggrieved against the aforesaid judgment passed by learned Judicial Magistrate Ist Class, Batala, the petitioner preferred appeal before the learned Additional Sessions Judge, Gurdaspur but the judgment of conviction passed by the trial Court was upheld by the said Court and appeal was dismissed. Hence, the petitioner has approached this Court by way of present Criminal Revision petition.

4. At the very outset, learned counsel for the petitioner has submitted that the judgment of conviction qua the petitioner is not being assailed on merits and he restricts his prayer for modification of order on quantum of sentence.

5. Per contra, learned counsel for the respondent State submitted that the well-reasoned judgments have been passed by both the Courts below, based on correct appreciation of evidence available on record and the petitioner does not deserve any leniency.

6. Learned counsel for the parties have been heard and the relevant record has been meticulously examined with their able assistance.

7. Since the revisionist/petitioner has not challenged the judgment of



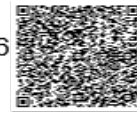
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conviction on merits, as such, the said issues are not being gone into at this stage and the prayer is restricted to the issue pertaining to sentence and quantum of punishment.

8. The Hon'ble Supreme Court, in **Pramod Kumar Mishra vs. State of UP** reported as **(2023) 9 SCC 810**, observed that punishment must not be viewed as an act of vengeance but as a means of reformation and reintegration of the offender into Society. It was further held that an appropriate sentence must be determined by considering a range of factors, including the nature and circumstances of the offence, the offender's background, age, mental and emotional condition, potential for rehabilitation, prior criminal record, and the deterrent needs of the community. Sentencing, the Court noted, involves a delicate exercise of judicial discretion, where multiple social, psychological, and moral factors must be balanced to ensure that justice serves both – societal protection and individual redemption.

9. Hon'ble Supreme Court again reiterated in **Ravada Sasikala vs. State of AP** reported as **AIR 2017 SC 1166**, that 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. In order to determine the quantum of sentence, Courts should bear in mind the principle of proportionality as awarding punishment is not merely retributive but also reformative.

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10. The perusal of impugned judgment reveals that there is no perversity and evidence on record has been appreciated in the right perspective, but as observed above, the counsel for the petitioner has not challenged the conviction on substantive grounds, while limiting his plea solely to modification of the quantum of sentence to one already undergone.

11. Learned State counsel has produced the Custody Certificate of the petitioner, as per which the petitioner has already undergone custody of 22 days out of awarded substantive sentence of 06 months.

12. Taking into consideration the fact that the petitioner had faced the rigors of criminal prosecution since long and he is the first-time offender with no criminal antecedents, in the facts and circumstances of the present case, it would be in the interest of justice, if sentence awarded to the petitioner is reduced to the period already undergone by him.

13. Therefore, in view of the discussion above, the present revision is disposed of in the following terms :-

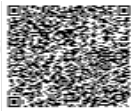
The judgment dated 14.01.2025 passed by the learned Additional Sessions Judge, Gurdaspur and judgment dated 03.08.2023 are upheld and order of sentence dated 03.08.2023 passed by learned Judicial Magistrate Ist Class, Batala is modified to the extent that the sentence of the petitioner is reduced to the period of sentence already undergone by him.

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

15. Registry is directed to do the needful.

April 20, 2026
monika

(SUKHVINDER KAUR)
JUDGE



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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>