

SUPREME COURT OF INDIA

Jasbir Singh

Vs.

Tara Singh & Ors.

Crl.A.No.1241of 2015

(Kurian Joseph and Arun Mishra,JJ.,)

21.09.2015

JUDGMENT

Kurian Joseph,J.,

1. Leave granted.

2. The de facto complainant has come up in appeal aggrieved by the alleged lenient view taken by the High Court in the impugned judgment with regard to the sentence.

3. The party-respondents were tried under Sections 466, 467, 468, 471, 120B of the Indian Penal Code (45 of 1860) (hereinafter referred to as 'IPC') for having committed a serious offence of forgery of documents in order to grab the property of one Harbans Singh. The trial court imposed the following sentence:

"Name of Accused	Section	R.I.	Fine (Rs.)	In Default
Partapa	466 IPC	2 years	500/-	One month
Tara Singh	466/120-B	1 year	500/-	One month
	467 IPC	3 years	1000/-	Two months
	468 IPC	3 years	1000/-	Two months
	471 IPC	2 years	500/-	One months
Bhajan Singh	467 IPC	3 years	1000/-	Two months
	468 IPC	3 years	1000/-	Two months

Charan Dass 467 IPC 3 years 1000/- Two months

468 IPC 3 years 1000/- Two months

Dalbir Singh 467 IPC 3 years 1000/- Two months

468 IPC 3 years 1000/- Two months”

3. The appeal by the party-respondents was dismissed. In Revision, it appears the challenge was limited only to the quantum of sentence. As a matter of fact, notice issued by this Court is limited to the question of quantum of sentence only. The party-respondents mainly contended on prolonged trial and their advanced age. To quote the relevant submissions:

“... Learned counsel for the petitioners contends that the petitioners are facing agony of trial since registration of the FIR i.e. 25.6.1996 and they are in the age group of 45 to 58. Learned counsel further contends that the petitions are first offenders, they are neither previous convicts nor are having any criminal background. Learned counsel prays that keeping in view the age of the petitioners and also the fact that they have already suffered a lot of mental agony as they are facing trial since 1996, their sentence, therefore, be reduced to the period already undergone by them. ...”

The High Court passed the following order:

“Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR. Keeping in view the submissions made by learned counsel for the petitioners that the petitioners are first offenders and are not having any criminal background and are facing agony of trial since registration of FIR i.e. 25.6.1996, the present petition is partly allowed. The judgments passed by Courts below qua conviction are upheld and sentence of the petitioners is reduced to the period already undergone by them.” The actual period undergone by the party-respondents is as follows, as noted in the impugned judgment:

“As per the custody certificate issued by Jail Authorities, as on 24.05.2013, the custody period/actual period undergone (excluding remission) of the respondents is:

Tara Singh - 4 months 26 days,

Bhajan Singh - 5 months 24 days,

Charan Dass - 5 months 26 days,

Dalbir Singh - 5 months 24 days.”

4. Learned Counsel for the party-respondents submits that they have undergone a few more days incarceration in the jail. The appellant submits that the offences being grave in nature, the High Court should not have let them go lightly. Heard the learned Counsel appearing for the party-respondents as well.

5. The prescribed maximum punishment for offence under Section 466 of IPC is seven years and fine; under Section 467 of IPC, it is imprisonment for life or imprisonment for ten years and fine; under Section 468 of IPC, it is seven years and fine and under Section 471 of IPC, it is two years or with fine or both. The trial court, having regard to the very same submissions made before the High Court, passed the sentence which we have extracted above.

6. Though it is not possible for this court to lay down strict principles on sentencing in the absence of a sentencing policy for the State, certain indicators need to be born in mind by the Courts. The gravity of the offence, the mitigating factors and circumstances like parties buying peace, parties settling the disputes and getting reconciled, victim subsequently becoming part of the family, victim showing interest in getting monetarily compensated, etc., the motive for commission of the crime, the manner in which it was planned and committed, the prescribed punishment and the social abhorrence of the offences are but a few of them. These factors would help the court to discern and decipher the appropriate purpose of punishment and to enter a satisfaction that justice has been done. Unless there are mitigating circumstances which were omitted to be noted by the trial court, the appellate/revisional court will not be justified in arbitrarily reducing the sentence awarded by the trial court. And in any case, when the appellate/revisional court reduces the sentence, the factors leading to such reduction should be reflected in the order.

7. In this context, it would also be profitable to refer to *Jameel v. State of Uttar Pradesh*¹, wherethis Court held that the punishment should reflect the society's cry for justice against the criminals. To quote:

“14. The general policy which the courts have followed with regard to sentencing is that the punishment must be appropriate and proportional to the gravity of the offence committed. Imposition of appropriate punishment is the manner in which the courts respond to the society's cry for justice against the criminals. Justice demands that courts should impose punishment befitting the crime so that the courts reflect public abhorrence of the crime.”

8. In the above circumstances, the appeal is allowed and impugned judgment is set aside. The matter is remitted to the High Court for passing an appropriate order in the case in accordance with law.

¹(2010) 12 SCC 0532

