

QUANTUM OF SENTENCE:

Present : Sh. Arvind Kumar, Asst. Public Prosecutor for the State.
Sh. Pratik Duhan, counsel for Convict Shankar, (in custody).

Heard on the quantum of sentence.

Punishing the offenders is a primary function of all civil States. The drama of wrong doing and its retribution has indeed been an unending fascination for human mind. However, the practice of punishment has to be seen in the light of rapidly changing social values and sentiments of the people. The crucial problem today is whether a criminal is to be regarded by society as a nuisance to be abated or an enemy to be crushed or a patient to be treated or a refractory child to be disciplined? Or should he be regarded as none of these things but simply be punished to show others that anti-social conduct does not finally pay.

2. The punishment to be efficacious must include the contention of deterrence, prevention and reformation, so that, it prevents a future wrong besides bringing a change of the attitude of the offender from the reformative measures during the period of his incarceration. But a sentence must be warranted by the crime. A kind of balance between crime and punishment is inevitable. There are several factors which are to be considered before

(Nishant Sharma)
ASJ, Panipat 23.12.2022.

sentencing a convict. His age, antecedents, past criminal record, responsiveness, prospects of reformation and the circumstances in which he committed a crime are to be taken into consideration while deciding the quantum of punishment.

3. In the present case, convict **Shankar** has submitted that he is a poor person. His father has expired and had an old mother to look-after. There was no one else in the family to care for her. He is not a previous convict in any case. Learned counsel for the convict has submitted that a lenient view may be taken against him so that the family of convict does not go through the ordeal of suffering.

4. Considering the antecedents of the accused and his social, economic and financial status, it is observed that the accused committed the offence having complete knowledge of its consequences. The offence of snatching is on a rapid rise may be due to high rate of unemployment or due to low probability of being caught. In any case, the offence is unpardonable as it is a direct threat to the safety and security of ordinary citizens especially women. Thus, the offence committed by convict does not deserve any leniency from the Court.

5. The convict has been held guilty for punishable of offence under Section 379-B of IPC. The section provides for a punishment with rigorous

imprisonment which shall not be less than 10 years, but which may extent to 14 years and shall also be liable to fine of Rs.25,000/-. Accordingly, the convict is sentenced as under :-

1.	Under Section 379-B IPC	To undergo rigorous imprisonment for a period of Ten Years and to pay a fine of Rs.25,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of One year .
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6. **Fine not paid by accused.** The period for which the convict has remained in custody during the pendency of the trial as an accused, be set off against the sentence awarded herein. It is ordered so, accordingly. File be consigned to record room after due compliance.

Pronounced
23.12.2022

Vikas Sharma (Stenographer-I)

(Nishant Sharma)
Addl. Sessions Judge, Panipat
UID No. :HR-0216

(Nishant Sharma)
ASJ, Panipat 23.12.2022.

State Vs. Shankar

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CNR No.HRPP01-006814-2021.

CIS no.SC-466 of 2021.

Present : Sh. Arvind Kumar, Asst. Public Prosecutor for the State.
Sh. Pratik Duhan, counsel for Convict Shankar, (in custody).

Statement of convict recorded. Heard on quantum of sentence.

Vide my separate detailed order of even date, convict Shankar has been sentenced to undergo rigorous imprisonment in under Section 379-B of IPC for a period of 10 years and to pay a fine of Rs.25,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period 1 year.

Fine not paid. File be consigned to the record room after due compliance.

Pronounced.
23.12.2022.

(Nishant Sharma)
Additional Sessions Judge,
Panipat.UID No.HR0216.

(Vikas Sharma)
Stenographer Gr.-1

(Nishant Sharma)
ASJ, Panipat 23.12.2022.