

CRR No.1347-2007

[1]

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

**CRR No.1347-2007 (O&M)
Date of decision: 26.08.2015**

Harjinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vijay Lath, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

None for respondent No.2.

SABINA, J

Petitioner had faced trial under Sections 138 of Negotiable Instruments Act, 1881 (for short 'the Act') in a complaint case No.16/2 dated 24.01.2002.

Trial Court vide judgment/order dated 26.04.2005 ordered the conviction of the petitioner qua commission of offence punishable under Section 138 of the Act. The said conviction and sentence of the petitioner were upheld by the Appellate Court in Appeal vide order dated 12.07.2007. Hence, the present petition.

During the course of arguments, learned counsel for the petitioner has not challenged the conviction of the petitioner

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under Sections 138 of the Act but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him. Learned counsel for the petitioner has submitted that petitioner has undergone four months of actual sentence out of six months. Petitioner is the only bread earner of the family and is facing the criminal proceedings since the year 2002.

Keeping in view the submissions made by learned counsel for the petitioner, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner to the period already undergone by him.

Accordingly, conviction of the petitioner under Section 138 of the Act, is maintained. However, sentence qua imprisonment of the petitioner be reduced to the period already undergone by him.

Petition stands disposed of, accordingly.

August 26, 2015
kapil

(SABINA)
JUDGE