

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

**CRR-231-2006 (O&M)
DATE OF DECISION : 12.08.2015**

**M/s Lakhpat Rai Amarjeet (Rice Millers)
and another**

..... Petitioners

Vs.

State of Punjab & another

..... Respondents

CORAM :- HON'BLE MR.JUSTICE AJAY TEWARI

Present :-Mr. Gurpal Singh, Advocate for
Mr. S.P.S.Sidhu, Advocate
for the petitioners.
Mr. A.P.S.Gill, AAG, Punjab.

AJAY TEWARI, J.(ORAL)

This revision has been filed against the concurrent conviction of the petitioner under Section 138 of the Negotiable Instrument Act, 1881.

The brief facts are that the petitioner No.1 is a firm and petitioner No.2 is the Proprietor thereof. The petitioner was a miller for PUNSUP. Paddy was allotted to him but he did not return the contracted quantity and presented this cheque in part payment. Cheque having bounced, proceedings under Section 138 of the Negotiable Instrument Act were initiated and the petitioner having been convicted is before this Court.

The only argument made by learned counsel is that the cheque was issued as security and therefore was not in discharge of any debt or liability. This fact has been considered by the Courts below who have noticed that in his cross-examination the petitioner has accepted that for the non supply of necessary quantity of rice for the year 1994-1995 the petitioner made a payment of Rs.3,50,000/- and came to the conclusion that this cheque could well have been used by the respondent-PUNSUP for the discharge of the liability of the petitioner.

Today learned AAG has placed on record custody certificate by way of affidavit of Surinder Singh, Superintendent, Central Jail, Ferozepur as per which the petitioner has also been convicted in 9 more cases of the similar nature. I find no infirmity in the orders of the Courts below.

Petition is dismissed.

Let the petitioner be now arrested to serve out the remaining period of his sentence.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

12.08.2015

Pooja Sharma-I

(AJAY TEWARI)
JUDGE