

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH****CRR-771-2006****Date of decision:16.9.2015**

R.L.Kakkar

...Petitioner

Versus

Sham Lal Goyal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: None for the petitioner.
Ms.Aditi Girdhar, Advocate for respondent No.1.
Mr.D.S.Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Learned counsel for the State submits that it was a case of complaint under Section 138 of the Negotiable Instruments Act, 1881. The petitioner was convicted and sentenced for one year's RI with fine of Rs.5000/- vide judgment of conviction and order of sentence of even date, i.e. 23.12.2002 passed by the learned Additional Chief Judicial Magistrate, Barnala. In default of payment of fine, the convict was directed to undergo further imprisonment for three months. Thereafter his appeal was dismissed by the learned Additional Sessions Judge vide judgment dated 10.2.2006.

The present criminal revision petition was admitted for regular hearing and sentence of the petitioner was suspended vide order dated 28.4.2006.

Custody certificate by way of affidavit dated 15.9.2015 filed in the Court today is taken on record.

Learned counsel for the State, while referring to the second page of the custody certificate, submits that since the accused-petitioner has been released after expiry of sentence on 7.7.2006, present criminal revision petition has been rendered infructuous, because as per the custody certificate, petitioner has undergone total custody for a period of 1 year 5 months and 20 days including the period of remission.

The correctness of the statement made by the learned counsel for the State has also not been disputed by the learned counsel for complainant-respondent No.1. This seems to be the reason that nobody is appearing on behalf of the petitioner.

In view of the above, the instant petition is disposed of, as having been rendered infructuous.

16.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE