

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

(210)

**CRR No.359 of 2013 (O&M)
Decided on: August 14, 2015.**

Anoop Singh

.... Petitioner

Versus

M/s Ansul Goel Land & Housing Ltd and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Hitesh Sood, Advocate,
for the petitioner.

Mr. Sunil Chadha, Sr. Advocate, with
Mr. Rahul Bhargva, Advocate,
for the respondents.

M.M.S. BEDI, J (ORAL)

The petitioner is a complainant in proceedings under Section 138 of the Negotiable Instruments Act. During pendency of the proceedings the respondents had offered to pay the amount of the cheque. Petitioner did not consent to compound the offence. The respondents have been convicted by the trial Court to undergo rigorous imprisonment till the rising of the Court with a direction to deposit the amount of the cheque besides an additional amount of Rs.4,000/-. The respondents had complied with the order of the Judicial Magistrate. The Appellate Court in an appeal filed by the petitioner enhanced the compensation by a sum of Rs.1,05,500/-. That amount too has been paid.

The grievance of the petitioner is that in view of the amount of the petitioner having been used by the respondents for a long period, the sentence should have been at least double the amount of the cheque.

I have heard learned counsel for the petitioner and gone through the facts and circumstances of the case and I am of the considered opinion that the scope of interference in the quantum of sentence in the present case is very meager. The petitioner could have availed the other remedies for recovering interest, compensation or damages for any conduct of the respondents. So far as for offence under Section 138 of the Negotiable Instruments Act is concerned, the matter can be compounded on payment of the amount of the cheque along with an additional amount at any stage as per judgment of **Damodar S. Prabhu Vs. Sayed Babalal H., 2010 (5) SCC 663.**

In view of ratio of said judgment, the order passed by the Courts below do not warrant any interference.

Disposed of without prejudice to the right of the petitioner to avail other remedies as mentioned herein above.

(M.M.S. BEDI)
JUDGE

August 14, 2015
harsha