

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 1225 of 2015

Date of decision : September 29, 2015

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..... Petitioner

Versus

Surinder Kumar and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ravinder Bangar, Advocate
for the petitioner

Mr. Shubhankar Baweja, Advocate
for respondent No. 1

Mr. Amit Chaudhary, AAG Haryana

ANITA CHAUDHRY, J.(ORAL)

This revision petition has been filed assailing the judgments of the Courts below vide which the petitioner had been convicted and sentenced to undergo rigorous imprisonment for a period of one year for commission of offence punishable under Section 138 of the Negotiable Instruments Act. The complainant was allowed compensation of ₹ 1,00,000/- excluding the cheque amount of ₹ 2,00,000/- in terms of Section 357(3) Cr.P.C. In default of payment of compensation the accused was sentenced to undergo one month's imprisonment.

The Appellate Court had dismissed the appeal maintaining the sentence. Record of both the Courts below had been summoned.

On the last date of hearing, the counsel was asked to take instructions as to whether the petitioner is ready to pay any

amount on the next date of hearing.

Learned counsel for the petitioner has restricted his submissions only to the sentence. He states that he is not in a condition to pay the amount. The counsel also states that petitioner has already undergone actual custody of 8 months and 15 days and if the remission is added it would be over 11 ½ months.

Learned counsel for the complainant opposes the prayer and states that not a single penny has been returned, therefore, no leniency should be shown.

The petitioner has failed to pay the amount to the complainant. No amount towards compensation has been paid. There are no mitigating circumstances warranting any leniency. The Courts below had already taken a lenient view.

The petition is dismissed.

September 29, 2015

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**(ANITA CHAUDHRY)
JUDGE**