

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

CRL. REVISION No. 152 OF 2014 (O&M)
DATE OF DECISION : 6TH JULY, 2015

Punjab State Civil Supplies Corporation Ltd., Chandigarh

.... Petitioner

Versus

Pawan Kumar & another

.... Respondents

CRL. REVISION No. 153 OF 2014 (O&M)

Punjab State Civil Supplies Corporation Ltd., Chandigarh

.... Petitioner

Versus

Pawan Kumar & another

.... Respondents

CRL. REVISION No. 154 OF 2014 (O&M)

Punjab State Civil Supplies Corporation Ltd., Chandigarh

.... Petitioner

Versus

Pawan Kumar & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

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Present : Mr. Gagandeep S. Wasu, Advocate for the petitioner(s).

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SURINDER GUPTA, J. (ORAL)

Heard.

All the above captioned petitions have been taken up together
as these relate to the similar matter.

Facts of the cases in brief are that against the paddy supplied to the respondents for the year 1999-2000 crop season for milling, they failed to deposit rice with FCI as per government norms and under the contract. In order to discharge their liability the respondents issued post dated cheques in favour of the revision petitioner on 28.02.2001. These cheques are as follows:

Sr.No.	Cheque No.	Amount (₹)
1.	047861	1353750/-
2.	047862	3200000/-
3.	047886	1396000/-
4.	047887	1396000/-
5.	677752	1500000/-
6.	677753	1500000/-

All these cheques when presented to the bank got bounced and were returned to the revision petitioner with the memo having the endorsement “insufficient funds”. This led to filing of three separate complaints by the complainant against the respondents. One complaint pertained to cheques No.047861, 047862, 047886, 047887, while other two complaints pertained to cheques No.677752 and 677753. All the complaints ended in conviction of respondent No.1 and awarding of sentence of rigorous imprisonment for a period of two years and a fine of ₹2000/- and in default of payment of fine to further rigorous imprisonment for four months in each complaint.

In the appeal filed by the respondents conviction of respondent No.1 was maintained, however, the sentence awarded was modified and reduced from rigorous imprisonment of two years to rigorous imprisonment for one year. The petitioners herein filed revision petitions against the order of the appellate Court bearing CRR No1426 of 2013,

CRR No1427 of 2013 and CRR No1428 of 2013, which were dismissed vide order dated 29.04.2013 passed in CRR No1426 of 2013. The sentence of complainant of rigorous imprisonment for one year in each case was maintained and the request of the revision petitioner that sentence awarded in all the three cases be allowed to run concurrently, was also not allowed.

Learned counsel for the revision petitioner has argued that the offence committed by respondent was of serious nature. The respondents have committed fraud with a government agency of amount of more than one crore. The appellate Court has reduced the sentence awarded by the trial Court from two years to one year without giving any reason. He has relied upon the observations made by Hon'ble Supreme Court in the cases of *Suganthi Suresh Kumar Versus Jagdeeshan* reported as *2002(2) SCC 420* and *State of Punjab Versus Prem Sagar & Ors.* reported as *2008(3) RCR (Criminal) 197*.

It is a case where respondent No.1 faced trial for dishonouring of different cheques issued towards one transaction. This fact was in the notice of the appellate Court as well. Though appellate Court had specifically not recorded reasons while reducing the sentence but in the opinion of this Court it has committed no error of law while reducing the sentence awarded to the respondent herein from two years to one year. The revision petitioner will now undergo sentence for rigorous imprisonment of three years as the request of the respondent No.1 herein to make all the sentences awarded in three different cases, run concurrently, was not accepted in the revision filed by him. The citations referred by learned counsel for petitioner, in the facts of these petitions, have no application.

In view of the above facts, the judgment referred by the learned counsel for the petitioner has no application to the facts of the present case.

These revisions have no merits, as such, all the revision petitions are dismissed in limine.

6th July, 2015
‘raj’

(SURINDER GUPTA)
JUDGE