

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 1782 of 2015

Date of decision : September 21, 2015

Kesar Singh

..... Petitioner

Versus

Sangrur Central Coop. Bank Ltd. and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. M.S. Dhaliwal, Advocate
for the petitioner

Mr. Arvinder Singh, Advocate
for respondent No. 1

Mr. V.P.S. Sidhu, AAG Punjab

ANITA CHAUDHRY, J.(ORAL)

The petitioner was convicted and sentenced to undergo rigorous imprisonment for one year under Section 138 of Negotiable Instrument Act. A fine of ₹ 1000/- was also imposed by JMJC, Dhuri vide order dated 19.09.2014.

An appeal was preferred which was dismissed by the Additional Sessions Judge, Sangrur but the sentence was modified and was reduced to six months. There was no change in the fine.

At the time of admission it had been stated on behalf of the petitioner that he was confining his prayer only to the quantum of sentence and he was ready to pay the cheque amount, therefore, notice on the limited question of quantum of sentence was sent.

Learned counsel for the petitioner states that the petitioner has already undergone 5 months of imprisonment and he

does not have the means to pay the cheque amount and since the larger part of the period has already been undergone lenient view may be taken and his sentence be reduced to the period already undergone. He further urges that the petitioner had already paid a sum of ₹ 13,000/- out of the outstanding amount of ₹ 34,686/-.

Learned counsel representing respondent No. 1 urges that no evidence was led by the accused to show that any amount had been paid and Appellate Court had already reduced the sentence to half and the amount has still not been paid to the Sangrur Central Cooperative Bank Ltd.

There are no mitigating circumstances which call for any further reduction. The amount has still not been paid. There is no material to show that any amount has been deposited. No evidence was led by the petitioner in this regard. The revision petition is dismissed.

September 21, 2015

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**(ANITA CHAUDHRY)
JUDGE**