

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

Crl. Revision No. 2065 of 2015 (O&M)

Date of Decision: 19.12.2015

Vijay Singh Solanki

.. Petitioner

Vs.

State of Haryana & Anr.

.. Respondents

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. S.N. Yadav, Advocate
for the petitioner.**

Mr. Deepak K. Grewal, DAG Haryana.

**Mr. Shiv Kumar, Advocate
for respondent No.2.**

ANITA CHAUDHRY, J.

The petitioner was tried by the learned Judicial Magistrate Ist Class, Faridabad for an offence under Section 138 of Negotiable Instruments Act, 1881 (for brevity, 'the Act') in a complaint filed by Vishal Gupta, as the cheque of Rs.7,75,000/- issued by the petitioner was dishonoured.

The trial culminated into conviction of the petitioner under Section 138 of the Act and vide judgment dated 20.10.2012 he was sentenced to undergo rigorous imprisonment for one year. He was directed to pay compensation of Rs.7,75,000/- to the complainant within

one month, failing which he was required to further undergo rigorous imprisonment for two months.

The appeal filed by the petitioner was dismissed by the Addl. Sessions Judge on 13.05.2015.

Dis-satisfied with the same, instant revision petition has been preferred.

During the course of arguments, learned counsel for the petitioner has not touched the merits of the case. He has confined his submissions on the limited question of quantum of sentence.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

It has been contended by learned counsel for the petitioner that the petitioner has nothing to pay to the complainant and he is suffering the agony for the last more than seven years and was the sole bread earner of the family. He prayed for a lenient view in the matter of sentence.

The learned State counsel assisted by counsel for the complainant had urged that considering the offence, no leniency should be shown.

The case pertains to the year 2008. The petitioner has undergone the agony of a protracted trial and all this has taken about seven years. The petitioner is in custody for

the last more than seven months.

For the reasons above, the conviction of the petitioner is maintained. However, keeping the circumstances into view, the sentence awarded to the petitioner is reduced to the period of eight months under Section 138 of the Act. There would be no change in the amount of compensation awarded by the trial Court.

With the above modification, the instant revision petition stands disposed of.

December 19, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE