

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.2452 of 2015 (O&M)

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Date of decision:3.12.2015

Dr. Kuldeep Singh

...Petitioner

v.

Manjit Singh

Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. L.M. Gulati, Advocate for the respondent.

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Inderjit Singh, J.

The petitioner has filed this criminal revision petition under Section 401 Cr.P.C. challenging the impugned judgment dated 29.4.2015 passed by the learned Additional Sessions Judge, Amritsar, vide which the criminal appeal filed by Dr. Kuldip Singh against the impugned judgment and order dated 17.7.2014 passed by learned Judicial Magistrate Ist Class, Amritsar, vide which the respondent-Manjit Singh has been convicted and sentenced for one year under Section 138 of the Negotiable Instruments Act (hereinafter referred to as 'the NI Act') with order of compensation to the tune of ₹2,80,000/- to be paid to the complainant as compensation, has been dismissed.

At the time of preliminary hearing, learned counsel for the

petitioner did not dispute the concurrent findings of the Courts below regarding conviction. He only contended on the point of reduction of sentence and notice of motion was issued only qua quantum of sentence. Mr. L.M. Gulati, learned Advocate has put in appearance on behalf of the respondent and contested this criminal revision petition.

I have heard learned counsel for the parties and have gone through the record.

As per the case of the complainant, accused Kuldeep Singh took a friendly loan of ₹2,80,000/- from the complainant for domestic purpose in the month of September 2010 with the assurance that same would be returned. When the complainant approached the accused and demanded the money, the accused in order to discharge his legal debt/liability issued one cheque bearing No.577552 dated 16.5.2011 for ₹2,80,000/-, which on presentation for encashment returned back by the Bank with the remarks “funds insufficient”. Legal notice was given.

After appreciating the evidence, the learned Judicial Magistrate Ist Class convicted the present petitioner for the offence under Section 138 of the NI Act and sentenced to undergo rigorous imprisonment for one year and in view of Section 357(3) Cr.P.C., the convict was ordered to pay compensation of ₹2,80,000/- to the complainant. Aggrieved from this judgment and order, the petitioner filed appeal before the learned Additional Sessions Judge, Amritsar, which has been dismissed vide impugned judgment dated 24.9.2015. Aggrieved against the judgments passed by both the Courts below, the present criminal revision petition has been filed.

Today, learned counsel for the petitioner again prayed for reduction of sentence. He argued that the petitioner has already been undergoing sentence for the last about seven months. He is the only bread earner of the family. He has daughters of marriageable age. Therefore, he argued that lenient view be taken.

Keeping in view the facts and circumstances of the present case and the fact that the petitioner is only bread earner of the family and having marriageable daughters and in view of the fact that he has already undergone more than seven months of sentence and he is also suffering from the long protracted criminal proceedings since 2011 i.e. for the last four years, I reduce the sentence of imprisonment imposed upon the petitioner from one year to rigorous imprisonment for ten months but the order regarding compensation will remain the same.

With this modification in the sentence of imprisonment, the criminal revision petition is partly allowed.

December 3, 2015.

(Inderjit Singh)
Judge

hsp