

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRR No. 2457 of 2015 (O&M)
Date of Decision : 02.09.2015

Vikramjeet SinghPetitioner

Versus

State of Punjab and anotherRespondents

2. CRR No. 2458 of 2015 (O&M)

Vikramjeet SinghPetitioner

Versus

State of Punjab and anotherRespondents

3. CRR No. 2465 of 2015 (O&M)

Vikramjeet SinghPetitioner

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab.

Mr. Ramesh Chander Sharma, Advocate
for respondent no. 2.

R.P. Nagrath, J. (Oral)

CRM No. 21379 of 2015

The prayer made in the application is not opposed.

For the reasons stated in the application the same is allowed and delay of 23 days in filing the instant revision is condoned.

CRR No. 2457 of 2015 (O&M)

This order will dispose of CRR No. 2457 of 2015, CRR No. 2458 of 2015 and CRR No. 2465 of 2015 as challenge in all the revisions is to the concurrent findings of conviction against the petitioner recorded under Section 138 of the Negotiable Instruments Act, 1881 for dishonour of three cheques (two cheques of ₹ 40,000/- and one cheque amounting to ₹ 30,000/-), which are subject matter of each of the complaint. Petitioner is the grandson of respondent.

Facts are being extracted from CRR No. 2457 of 2015. When the matter was listed on 20.07.2015, following order was passed:-

After arguing for sometime, learned counsel for the petitioner submits that he does not challenge the conviction of petitioner on merits and confines his arguments qua the quantum of sentence only. Learned counsel for the petitioner further submits that since the cheques were issued in discharge of liability arising out of the same transaction, therefore, sentence of petitioner in the instant case and in two other cases for which CRR-2458-2015 and CRR-2465-2015, have been filed may be ordered to run concurrently.

Notice of motion to this extent for 24.08.2015.

Notice re:application under Section 5 of the Limitation Act, as well.

Process dasti as well.”

Learned counsel for the respondent does not dispute

that three cheques were issued in discharge of the amount lent from a single transaction. The learned counsel, therefore, states that the respondent would be satisfied if the period already undergone is considered sufficient punishment in all the cases, provided the petitioner pays ₹ 1,20,000/-. Learned counsel for the petitioner has readily accepted the above proposal but submits that the petitioner may be granted reasonable time to pay the aforesaid amount in three installments.

I have heard learned counsel for the parties, carefully perused the paper-book and judgments passed by both the courts below.

In **V.K. Bansal vs. State of Haryana and others, 2013 (7) SCC 211**, Hon'ble Supreme Court held that the legal position on the issue favours exercise of discretion to the benefit of prisoner in cases where the prosecution is based on a single transaction, no matter different complaints in relation thereto may have been filed as is the position in cases involving dishonour of cheques issued by the borrower towards repayment of a loan to the creditor. Hon'ble Supreme Court, however, did not permit concurrent running of sentences in the cases where the transactions of borrowing loan were different. Hon'ble Supreme Court also clarified that the direction regarding concurrent running of sentence be limited to the substantive sentence only and not to the default clause of imprisonment for non-payment of fine/compensation.

Learned State counsel submits that as per custody certificate, the petitioner is on parole upto 17.09.2015 but has

undergone by now about 5 months and 17 days of imprisonment by including 16 days of remissions.

In view of the amount involved and the aforesaid facts and circumstances, the period of imprisonment is reduced to one year from two years of rigorous imprisonment in each of the cases and the sentences awarded in all cases would run concurrently. At the same time the petitioner is also directed to pay an amount of ₹ 40,000/- as compensation in each case, but the fine already imposed as penal punishment stands set aside.

As agreed by learned counsel for the parties, the petitioner would pay an amount of ₹ 1,20,000/- to the respondent in three installments by way of demand draft in the name of respondent-complainant. The first installment shall be payable by 17th of September, 2015 with demand draft to be handed over to the respondent on proper receipt or to be deposited in the Court of Chief Judicial Magistrate, Fazilka, for immediate disbursement to the respondent. The petitioner shall pay the other two installments in the similar way i.e. one on or before 17.10.2015 and third demand draft of ₹ 40,000/- by 17.11.2015. In case, he deposits the demand drafts in the Court of Chief Judicial Magistrate, the petitioner would file affidavit on each occasion in the said Court that the draft is being deposited as the respondent is not issuing the receipt. In case of default in making the payment of any of the installment, the petitioner would surrender to undergo rest of the imprisonment out of one year of imprisonment and failing to surrender by the date next to the date as stipulated above, his arrest warrants shall be issued.

In case of such default, the petitioner shall have to undergo imprisonment for two months in default of payment of each of the defaulting installment.

The instant revisions are dismissed on merits but partly allowed so far as quantum of sentence and concurrent running of sentences is concerned in the terms as indicated above.

September 02, 2015
jk

(R.P. NAGRATH)
JUDGE