

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3430 of 2015 (O&M)****Date of Decision: September 14, 2015**

Sandal Singh Rana

...Petitioner

VERSUS

M/s Singla Trading Company and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Aditya Grover, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner against the judgment of conviction dated 04.01.2013 and order of sentence dated 05.01.2013 passed by learned Judicial Magistrate Ist Class, Panchkula and and also judgment dated 18.08.2015 passed by learned Addl. Sessions Judge, Panchkula.

Learned JMJC, Panchkula vide judgment of conviction dated 04.01.2013 and order of sentence dated 05.01.2013, convicted the petitioner under Section 138 of the Negotiable Instruments Act and sentenced him to undergo imprisonment for a period of one year and to pay compensation equivalent to cheques amount of ₹6,25,000/-. Aggrieved from the above-said judgment and order, an appeal was filed by the petitioner and learned Addl. Sessions Judge, Panchkula, vide judgment dated 18.08.2015 dismissed the appeal,

however, the sentence was modified to the effect that if the petitioner would make payment of ₹5 lacs or deposit the same in the court on any day prior to the expiry of period of one year, then he shall be released forthwith.

At the time of arguments, learned counsel for the petitioner has not argued regarding conviction of the revision petitioner. He only argued that the amount of ₹5 lacs may be allowed to be paid in installments.

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

From the perusal of the record and the impugned judgments passed by the Courts below, I find that both the Courts below have given concurrent findings regarding conviction of the accused. Nothing has been pointed out regarding any illegality committed by the Courts below while passing the impugned judgments. Nothing has been argued as to how the findings given by the Courts below are incorrect or perverse. Nothing has been pointed out as to which evidence has been misread by the Courts below. Learned Addl. Sessions Judge, Panchkula has already taken the lenient view and rather the Court held that if the petitioner pays ₹5 lacs at any time before expiry of one year, then he shall be released forthwith, which means that sentence will be reduced to sentence already undergone. Admittedly, the cheques are amounting to ₹6.25 lacs, even then the Court passed the above-said order reducing the compensation to ₹5 lacs. The present revision petitioner voluntarily

agreed to pay ₹5 lacs as full and final settlement on 06.07.2015 and now he himself is not depositing the amount and asking for installments. No ground is made out for allowing the petitioner to pay any installment. Otherwise also, these are the criminal proceedings and installments cannot be allowed.

Therefore, finding no merit in the present revision petition, the same is dismissed.

September 14, 2015
Vgulati

(INDERJIT SINGH)
JUDGE