

CRR-3525-2015

[1]

In the High Court of Punjab and Haryana at Chandigarh

CRR-3525-2015

Date of decision: 05.10.2015

Rajbir Sharma

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S. Rawat, Advocate,
for the petitioner.

Ms. Mahima, AAG, Haryana.

Respondent No.2 in person with
Mr. R.S. Madan, Advocate.

SABINA, J.

Petitioner had faced trial under Section 138 of Negotiable Instruments Act, 1881 ('of the Act' for short) in complaint No.80 of 2011. Trial Court vide judgment/order dated 20.05.2013 and 23.05.2013 ordered the conviction and sentence of the petitioner under Section 138 of the Act. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 01.09.2015. Hence, the present petition.

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Learned counsel for the petitioner has not challenged the conviction of the petitioner under Section 138 of the Act but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him. Petitioner has undergone more than one month of actual sentence. Learned counsel has further submitted that petitioner has already deposited ₹3,12,000/- with the Registry and has no objection if the same is ordered to be released to respondent No.2. Today, learned counsel for the petitioner has handed over another sum of ₹35,000/- in cash to respondent No.2 who is present in person along with his counsel.

In the present case, petitioner has paid ₹3,47,000/- in all to the complainant which includes the cheque amount (₹3,00,000/-) in question. Since, the petitioner has already paid the cheque amount in question to the complainant and ₹47,000/- over and above the same to the complainant, it would be just and expedient to reduce the sentence qua imprisonment of the petitioner to the period already undergone by him.

Accordingly, conviction of the petitioner under Section 138 of the Act is maintained. However, sentence qua imprisonment of the petitioner is reduced to the period already undergone by him. Registry is directed to release the

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amount of ₹3,12,000/- deposited by the petitioner to respondent No.2 forthwith. Petitioner, who is in custody, be set at liberty forthwith, if not required in any other case.

Petition stands disposed of accordingly.

October 05, 2015
kapil

(SABINA)
JUDGE