

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Rev. No. 788 of 2015

Date of decision : 07.07.2015

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..... Petitioner

versus

Pameshwar Singh and another

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. B.S. Aulakh, Advocate
for the petitioner.

Mr. R.S. Manhas, Advocate
for respondent No. 1

Ms. Shivali, AAG Punjab

ANITA CHAUDHRY, J. (ORAL)

This revision is at the instance of the accused. Learned counsel for the petitioner confines his prayer to the quantum of sentence.

Notice was given to the respondents who have put in appearance.

The petitioner was convicted under Section 138 of the Negotiable Instruments Act and was sentenced to 2 years rigorous imprisonment alongwith fine of ₹ 5,000/- and to further undergo rigorous imprisonment for a period of 3 months in case the fine is not paid.

The appeal preferred by him was dismissed by the Additional Sessions Judge on 29.10.2014.

Learned counsel for the petitioner prays that the petitioner

is in custody for the last 8 months and he is not in a position to pay the amount as his financial condition is very bad and the sentence be reduced to already undergone.

Learned counsel representing respondent No. 1 urges that the petitioner has failed to pay any amount and the question of reduction should be considered only if the amount is paid.

The allegations against the petitioner were that cheque of ₹ 1,00,000/- issued by the accused was dishonored. A complaint was filed in the year 2010. The petitioner has been facing trial for the last 5 years. He is in custody for over 8 months.

The petitioner is not in a position to pay any amount. Considering the amount and the period undergone, I am inclined to reduce the sentence awarded to the petitioner to 1 year under Section 138 of the Negotiable Instruments Act. The conviction is maintained. However, there would be no change in the order relating to fine.

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

July 07, 2015

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**(ANITA CHAUDHRY)
JUDGE**