

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR No. 1664 of 2015 (O&M)

Date of decision : 03.03.2016

Sukhjinder Singh

....Petitioner

V/s

Jatinder Kumar

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vivek Goel, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. Nitin Rampal, Advocate for the respondent.

RAJAN GUPTA J.

Petitioner is aggrieved by the orders passed by two courts below convicting him for offence under section 138 of the Act.

A complaint was lodged by Jatinder Kumar on the ground that a cheque issued by petitioner for ₹40,000/- had bounced. Complainant himself stepped into the witness box as CW1 and produced other documentary evidence. On the basis of same, Additional Chief Judicial Magistrate, Faridkot convicted him for committing offence under section 138 of the Act and sentenced him to undergo imprisonment for a period of six months and to pay a fine of ₹4,000/-. Petitioner filed appeal before Additional District Judge, Faridkot. Said court upheld the judgment passed by the trial court. After conviction of the petitioner was upheld, he did not surrender and his non-bailable warrants were issued. He preferred instant revision petition after a delay of 1206 days. A plea has

been raised at this stage regarding a compromise entered into between the parties. Affidavit of the complainant has been filed which is taken on record as mark 'A'. Learned counsel for the petitioner prays that in view of section 147 of the Negotiable Instruments Act, 1881, petitioner be acquitted of the charge. However, it is borne on record that petitioner blatantly disobeyed the order passed by appellate court and did not surrender. This court is, thus, not inclined to accept the plea for compounding of the offence. It is evident that petitioner has scant respect for law. Despite non-bailable warrants issued, he refused to surrender. Only after present revision petition was filed, he surrendered on 07.01.2016. At this stage counsel for the petitioner prays that in view of compromise arrived at between the parties, this court may reduce the sentence awarded to the petitioner. He contends that he is conscious of the fact that scope of reappraisal of evidence in revisional jurisdiction is limited. This court finds the prayer made by counsel for the petitioner acceptable. Even otherwise on perusal of judgments of both the courts below, I find no ground to interfere.

Under the circumstances, conviction of the petitioner is upheld. However, keeping in view facts and circumstances of the case, sentence awarded to the petitioner is reduced to three months.

CRM No. 14911 of 2015

As the main petition has been decided on merits, delay in filing the same is deemed to be condoned.

March 03, 2016

Ajay

(RAJAN GUPTA)
JUDGE