

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

Criminal Revision No.2083 of 2015(O&M)

Date of Decision: February 03, 2016

Amardeep Singh Sandhu

...Petitioner

Versus

Nirmala Devi & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

**Present: Mr.Vishal Satija, Advocate,
for the petitioner.**

None for respondent No.1.

**Mr.K.S.Pannu, DAG, Punjab,
for respondent No.2-State.**

Naresh Kumar Sanghi, J.(Oral)

Challenge in the present criminal revision petition is to the judgment dated 13.05.2015 passed by learned Additional Sessions Judge, Sangrur, whereby the appeal filed by the petitioner challenging his conviction and sentence for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "N.I.Act") recorded by learned Judicial Magistrate First Class, Malerkotla, was dismissed.

When the criminal revision petition came up for hearing on 19.08.2015 at that time learned counsel for the petitioner submitted that he did not intend to press the petition

on merits and as such, notice was issued so that the parties may resolve their dispute and effect a compromise.

Today when the case came up for hearing learned counsel for the petitioner stated at bar that the parties could not settle their score and as such, he confined his prayer for quantum of sentence. In support of his contention, he submitted that the petitioner was neither required nor involved in any other case; he has already suffered incarceration for approximately nine months; the dispute was with regard to sale and purchase of immovable property; during pendency of trial and the appeal, the petitioner remained on bail but he did not misuse the said concession; after dismissal of his appeal on 13.05.2015 by the Court of Session, the petitioner is continuously behind the bars and has not committed any jail offence which shows that he is in the process of improving himself and that the sentence of rigorous imprisonment for one year awarded by the Court below is on higher side.

Despite service, learned counsel for the complainant/respondent No.1 has failed to appear. On the last date of hearing, the office was directed to notify the adjourned date to learned counsel for the complainant/respondent No.1 but despite that respondent No.1/complainant has failed to appear.

Learned counsel for the State has produced the affidavit of the Superintendent, District Jail, Sangrur, which is taken on record. Perusal of the above affidavit reveals that the petitioner has suffered incarceration for 08 months and 20 days of actual sentence. The affidavit would further reveals that the petitioner has also earned remission for one month and two days and if the said period is added in the actual sentence then the petitioner has suffered incarceration for 09 months and 22 days. The affidavit would further reveal that the petitioner is neither required nor involved in any other case and he is maintaining good behaviour in jail, therefore, the remissions have been granted to him.

In view of the totality of the facts and circumstances of the case, the arguments submitted by learned counsel for the petitioner and the period of sentence suffered by the petitioner, his sentence is reduced to the period already undergone by him. The fine imposed and the sentence passed in default thereof, shall remain as it is.

With the above modification in the order of sentence, the present criminal revision petition is partly allowed. Since the petitioner is stated to be in custody he be set free at once if not required in any other case.

February 03, 2016
seema

(Naresh Kumar Sanghi)
Judge