

ANKUR GOYAL
CHANDIGARH
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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 243

Criminal Revision No.2086 of 2016 (O&M)

Date of Decision: *October 26, 2016*

Surinder Pal Singh Grewal

..... PETITIONER

VERSUS

State of Punjab and another

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. G.S. Sidhu, Advocate, for the petitioner.

Mr. P.S. Paul, Deputy Advocate General, Punjab,
for respondent No.1.

Mr. A.K. Khunger, Advocate,
for respondent No.2.

. . .

Jaspal Singh, J.

CRM Nos.18299 & 28531 of 2016

Applications are allowed as prayed for.

Documents (Annexures A-1 to A-5) are taken on record subject to
all just exceptions and be tagged at its appropriate place.

Main Case

1. The instant revision has been preferred by Surinder Pal Singh Grewal challenging judgment(s)/Order(s) dated April 22, 2014 passed by the Sub Divisional Judicial Magistrate, Abohar, in a complaint case under Section 138 of Negotiable Instrument Act, 1881 as well as judgment dated April 26, 2016 passed

by learned Additional Sessions Judge, Fazilka. Vide judgment/order dated April 22, 2014, he was convicted and sentenced as under:-

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Surinder Pal Singh Grewal	138 NI Act	Two years	5,000/-	Six Months

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated April 26, 2016 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioners filed this revision petition.

2. While issuing notice of motion on June 01, 2016, following order was passed by this Court:-

“Notice of motion to the respondents for 01.09.2016, only qua quantum of sentence.”

3. This Court has also scrutinized the impugned judgments as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for the last more than 6 years & 6 months after registration of the instant case. Petitioner has already suffered incarceration for a period of 06 months & 10 days, as is evident from custody certificate dated October 25, 2016. Thus, this Court is of the considered view that a chance be given to the petitioner to reform &

improve himself; to become good citizen; and to lead a peaceful & harmonious life.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause. Petitioner shall be released forthwith.

6. With the above modification in sentence, revision petition stands dismissed.

CRM Nos. 18300 & 18301 of 2016

Since, the main petition has been decided, instant applications are disposed of as having been rendered infructuous.

October 26, 2016
Avin/Ankur

(Jaspal Singh)
Judge

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No