

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.34817 of 2015
and
Criminal Revision No.4037 of 2015

.....

Date of decision:2.2.2016

Ranjit Singh

...Petitioner

v.

State of Punjab and another

...Respondents

....

(2) Criminal Misc. No.34818 of 2015
and
Criminal Revision No.4038 of 2015

.....

Ranjit Singh

...Petitioner

v.

State of Punjab and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.K. Arya, Advocate for the petitioner.

Mr. Varun Sharma, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Onkar Singh Batalvi, Advocate for respondent No.2.

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal

revisions as these arise out of the same transaction in respect of two cheques issued by the accused.

These criminal revision petitions have been filed under Section 401 Cr.P.C. challenging the two separate impugned judgments dated 29.8.2015 passed by learned Additional Sessions Judge, Gurdaspur, whereby the appeals filed by the petitioner against the judgments of conviction and the order of sentence dated 10.1.2012 passed by the learned Sub Divisional Judicial Magistrate, Batala, convicting and sentencing the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the NI Act') and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹2,000/- and in default of payment of fine to further undergo rigorous imprisonment for one month, have been dismissed.

At the time of arguments, learned counsel for the revision petitioner did not dispute the concurrent findings of the Courts below regarding conviction. He only contended regarding the reduction of sentence.

Notice of motion has been issued in these revision petitions qua quantum of sentence only.

Today, again learned counsel for the petitioner argued for reduction of the sentence.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab and learned counsel for respondent No.2 and have gone through the record.

The facts have been taken from Criminal Revision No.4038 of 2015. As per the record, the case of the complainant is that accused No.1 M/s Great Ashoo Deposits and Advances Private Limited (hereinafter referred to as 'the firm') is running a business for deposit of advances from different persons and also advances loan to the needy persons and accused Nos.2 and 3 Surinder Sagar and Ranjit Singh are its Directors. It has been alleged that on 7.7.2002 (in respect of Criminal Revision No.4038 of 2015) and on 8.7.2002 (in respect of Criminal Revision No.4037 of 2015) accused Nos.2 and 3 have issued cheques Nos.274650 and 274649 for ₹1 Lac each respectively in favour of the complainant in discharge of the debt outstanding against both the accused. It has been alleged that the complainant presented the said cheques for encashment, but the same were returned back with the remarks "insufficient funds". The complainant again presented the said cheques but the same were returned back with the same remarks. Legal notices were issued. When the amount was not paid, complaints were filed by the complainant.

At the time of arguments, learned counsel for private respondent even requested that the petitioner should pay some of the amount and then he will have no objection to reduce the sentence, but learned counsel for the petitioner has not agreed to pay even the 50% of the cheque amount.

Keeping in view the facts and circumstances of the cases, I do not find it a fit case where the petitioner is entitled to reduction of sentence.

No ground is made out for the reduction of sentence.

Therefore, finding no merit in the criminal revision petitions, the same are dismissed.

Cr. Misc. Nos.34817 & 34818 of 2015:

These criminal miscellaneous applications have been filed under Section 482 Cr.P.C. in both the criminal revisions petitions praying for issuance of directions for ordering the sentence awarded to the petitioner in both the complaint cases to run concurrently in the interest of justice.

Learned counsel for the private respondent argued that the respondent has no objection if the prayer of the petitioner for running the sentence concurrently in both the cases is accepted. Otherwise also, the cheques in both the complaint cases in which the present petitioner has been sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹2,000/- and in default of fine to further undergo rigorous imprisonment for one month by the learned Sub Divisional Judicial Magistrate, have been issued in the same transaction. Therefore, it is ordered that the sentence in both the cases shall run concurrently being the cheques in both the complaint cases issued in the same transaction.

With the above observations, the criminal miscellaneous applications stand disposed of.

February 2, 2016.

(Inderjit Singh)
Judge

hsp