

CRR No.3021 of 2016

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

CRR No.3021 of 2016

Date of Decision: November 15, 2016

Lokender Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhimanyu Singh , Advocate
for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

Mr. Anil Kumar Sharma, Advocate
for the respondent No.2

JITENDRA CHAUHAN, J. (Oral):

This revision is directed against the judgment dated 06.06.2013 and order dated 07.06.2013, passed by Addl. Chief Judicial Magistrate, Rewari, vide which, the petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for six months and to pay a fine of ₹ 10,000/- with default stipulation; and the judgment dated 30.07.2016 passed by Addl. Sessions Judge, Rewari, vide which, the appeal filed by the petitioner was dismissed.

During the pendency of the present revision petition, the parties have entered into a compromise. In pursuance to the said compromise, learned counsel for the petitioner has handed over a copy of the demand

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draft issued in favour of the complainant-respondent No.2 for a sum of ₹ 2,50,000/-. An amount of ₹ 3,00,000/- has already been paid to respondent No.2 vide demand draft Annexure P-1. In this way, respondent No.2 has received a total amount of ₹ 5,50,000/- i.e. ₹ 5,00,000/- as the cheque amount and ₹ 50,000/- as compensation and expenses for the litigation. Nothing remains to be paid to respondent No.2 by the petitioner.

As per custody certificate already placed on record, the petitioner has already undergone one month and five days, out of the substantive sentence of six months.

In view of the above, the present revision petition is partly allowed and sentence of the petitioner is reduced from six months to the period already undergone by him in this case under Section 138 of the Negotiable Instruments Act.

The revision is disposed of, accordingly.

(JITENDRA CHAUHAN)
JUDGE

November 15, 2016

Nisha-I

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No