

Criminal Revision No.4173 of 2015
Date of Decision: December 06, 2016

Sham Lal

..... PETITIONER

VERSUS

State of Punjab and another

..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. Jitender Singh Dadwal, Advocate, for the petitioner.

Mr. P.S. Paul, Deputy Advocate General, Punjab.

. . .

Jaspal Singh, J.

1. The instant revision petition has been preferred by Sham Lal -petitioner against judgment dated October 17, 2015, passed by learned Additional Sessions Judge, Ludhiana, whereby judgment/order dated August 05, 2013, passed by the Judicial Magistrate Ist Class, Ludhiana, in criminal complaint titled "Hans Raj Vs. Sham Lal" under Section 138 of Negotiable Instruments Act, 1881 has been upheld. The petitioner was convicted and sentenced by the trial court vide order dated August 05, 2013, as under:-

Name of Accused	U/s	SI	Fine (₹)	In default (S.I.)
Sham Lal	138 NI Act	01 year	3000/-	01 month

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated October 17, 2015 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioner filed this revision petition.

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) 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.

3. 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 a period of approximately 05 years & 04 months after registration of the instant case and is sole bread winner of his family. Petitioner had already suffered incarceration for a period of 06 months & 25 days, as is evident from custody certificate dated 06.12.2016. 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.

4. 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 is hereby directed to be released forthwith.

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

December 06, 2016
Ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No