

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.4211 of 2015 (O&M)
Date of Decision: May 05, 2016

Balbir Singh

...Petitioner

VERSUS

Dr.Satnam Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gaurav Goel, Advocate
for the petitioner.

Mr.L.M.Gulati, Advocate
for respondent No.1.

Mr.P.S.Grewal, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Balbir Singh against respondents Dr.Satnam Singh and another, challenging the impugned judgment of conviction and order of sentence dated 25.02.2015 passed by learned Judicial Magistrate Ist Class, Patiala, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay compensation equivalent to the cheque amount under Section 138 of the Negotiable Instruments Act and also challenging the judgment dated 10.09.2015 passed by learned Addl. Sessions Judge, Patiala, vide which appeal filed by petitioner was dismissed.

Notice of motion was issued and learned counsel for respondent No.1 as well as learned State counsel appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner did not contest the conviction order of the petitioner passed by the Courts below and only prayed for reduction of sentence. He contended that petitioner is poor person, only bread earner of the family and he is aged about 55 years of age and has no money to pay the compensation to complainant-respondent No.1. He also contended that the petitioner is suffering from criminal proceedings for the last about three years.

After hearing learned counsel for the parties as well as learned State counsel and after going through the record, I find that judgments of conviction passed by the Courts below are correct, as per evidence and law. The signatures on the cheque have been admitted by the petitioner. There is presumption against the present petitioner and that has not been rebutted and the petitioner has been rightly convicted and the appeal filed by the petitioner, has rightly been dismissed. Therefore, the judgments of conviction passed by learned Courts below are upheld.

As regarding reduction of sentence, I find that as the petitioner is poor person, only bread earner of the family and is in custody since the dismissal of the appeal i.e. 10.09.2015, therefore, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of 10 months instead of one year.

However, the compensation awarded by the trial Court will remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

May 05, 2016
Vgulati

(INDERJIT SINGH)
JUDGE