

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.4232 of 2015 (O&M)

.....

Date of decision:22.4.2016

Swaran Singh

...Petitioner

v.

M/s Hira Agro Industries, Cantt. Road, Nabha

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Mandeep K. Dhot, Advocate for the respondent.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 6.10.2015 passed by learned Additional Sessions Judge, Patiala, vide which the appeal filed by the petitioner against the impugned judgment of conviction and order of sentence dated 15.1.2015 passed by learned Sub Divisional Judicial Magistrate, Nabha, convicting the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'NI Act') and sentencing him to undergo rigorous imprisonment for one year and to pay fine of ₹500/- and in default of payment of fine to further undergo rigorous imprisonment for ten days, has been dismissed.

Notice of motion was issued in this case.

Mr. Mandeep K. Dhot, learned Advocate has put in appearance on behalf of the respondent and contested this criminal revision petition. Lower Courts record was also summoned.

At the time of arguments, learned counsel for the petitioner argued that the revision petitioner is in custody since 6.10.2015 and more than 6½ months have already passed after the conviction. He prayed for taking lenient view keeping in view the fact that the petitioner is a poor person and only bread earner of the family and further he is suffering from the long protracted criminal proceedings.

Keeping in view the fact that this complaint has been filed in the year 2010 i.e. about six years earlier and the cheque is only for ₹1,60,000/- and further that the petitioner is a poor person and only bread earner of the family and is suffering from the long protracted criminal proceedings and is in custody for more than six months, the sentence of the petitioner is reduced to already undergone subject to payment of fine, if already not paid. The petitioner shall be released forthwith, if his custody is not required in any other case.

With the above modification in sentence of imprisonment, the criminal revision petition is partly allowed.

April 22, 2016.

(Inderjit Singh)
Judge

hsp