

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.4798 of 2015 (O&M)

Date of Decision: March 31, 2016

Balbir

...Petitioner

VERSUS

Bhiwani District Primary Coop. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.V.K.Sheoran, Advocate
for the petitioner.

Mr.Amit Prashar, Advocate
for respondent No.1.

Mr.Brijesh Sharma, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Balbir against Bhiwani District Primary Coop. Agriculture and Rural Development Bank and State of Haryana, challenging the impugned judgment of conviction and order of sentence dated 19.11.2014 passed by learned Sub Divisional Judicial Magistrate, Loharu, vide which the accused-petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹2000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month under Section 138 of the

Negotiable Instruments Act and also challenging the judgment dated 03.12.2015 passed by learned Addl. Sessions Judge, Bhiwani, vide which appeal filed by petitioner was dismissed.

Notice of motion was issued and learned counsel for respondent-Bank as well as learned State counsel appeared.

At the time of arguments, learned counsel for the petitioner stated that the petitioner has already paid the total amount of ₹1,06,200/- qua the cheque in question. Learned counsel for private respondent No.1 also admitted the receipt of ₹1,06,200/- from the petitioner. Learned counsel for the petitioner states that the petitioner is still to pay more than ₹20,000/- to the Bank and respondent-Bank is at liberty to recover the same as per law.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As the petitioner has already paid the cheque amount to the private respondent and counsel for the respondent-Bank states that respondent-Bank has no objection if the sentence of the petitioner is reduced and in view of the fact that petitioner has been sentenced to undergo rigorous imprisonment for a period of six months and the petitioner has already undergone imprisonment of 20 days as per the custody certificate, therefore, the sentence of the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine as well as the order directing payment of compensation are set aside.

Resultantly, the present revision petition stands partly

allowed accordingly.

As the petitioner is on bail, his bail/surety bonds stand discharged.

March 31 2016
Vgulati

(INDERJIT SINGH)
JUDGE