

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

CRR-3826-2016 (O&M)
Date of decision: 20.12.2016

Rekha Rani

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Karan Garg, Advocate for the petitioner(s).

Mr. Varun Sharma, AAG, Punjab.

Mr. V.P. Singh, Advocate for respondent No.2.

Jitendra Chauhan, J.

By filing the present criminal revision, the petitioner has assailed judgment dated 22.09.2016, passed by learned Additional Sessions Judge, Patiala, affirming judgment/order dated 21.03.2016, passed by Judicial Magistrate 1st Class, Patiala, convicting her under Section 138 of the Negotiable Instruments Act (for short, 'the Act') and sentencing her to undergo rigorous imprisonment for a period of 06 months and to pay a sum of Rupees ten thousand to the complainant as compensation.

Learned counsel for the petitioner contends that he does not press the present petition on its merits and prays that some lenient view be taken in the matter of sentence. He states that the petitioner is ready and willing to repay the entire amount of Rupees forty thousand. To show her

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bona fide, learned counsel has handed over a sum of Rupees ten thousand in cash, to learned counsel for respondent No.2. He further states that the petitioner being a household help, working in different houses as maid to earn her livelihood and patient of heart disease, she will pay the remaining amount of Rupees thirty thousand in easy monthly instalments.

Learned counsel for respondent No.2 accepts the proposal so made.

As per the custody certificate dated 20.11.2016, already on record, the petitioner has already undergone 01 month and 27 days, as on 20.11.2016, out of the substantive sentence of 06 months.

Keeping in view the fact that the petitioner comes from the poorest strata of the society and she has undertaken to repay the entire amount, the prayer made on behalf of the petitioner is accepted; the impugned judgment of conviction is affirmed, whereas, the sentence of imprisonment of petitioner is reduced from 06 months to the period already undergone by her, under Section 138 of the Negotiable Instruments Act, subject to payment of the remaining amount of Rupees thirty thousand in ten easy instalments of Rupees three thousand each to be paid on or before 10th day of every month, starting from January 2017.

The petitioner is in custody. She be released forthwith, if not required in any other case. In case, she fails to make the payment as aforesaid, respondent No.2 shall be at liberty to revive the instant petition.

20.12.2016

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No

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