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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 939 of 2016 (O/M)
Date of decision : 4.4.2016

Amrik Singh Mahasha

..... Petitioner

Versus

Bharat Kosh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. K.S. Sekhon, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Heard.

Impugned in the present revision is the judgment dated 20.1.2016, passed by the learned Additional Sessions Judge, Sri Muktsar Sahib, affirming the judgment of conviction and order of sentence dated 4.5.2015, passed by the learned Sub Divisional Judicial Magistrate, Malout.

It comes out that during the trial before the learned Sub Divisional Judicial Magistrate, Malout, the accused had admitted his liability and agreed to repay Rs. 1,20,000/- in installments. It was alleged in the complaint that the complainant is a commission agent and on the basis of account book entries, the parties settled the account on 9.1.2002 and on the same date, the accused owed debt

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of Rs. 1,29,000/-. The accused had been borrowing cash loan and purchasing goods on Manauti from complainant and on 26.7.2003, he owed a debt of Rs. 2,15,650/-. So to discharge the liability, a cheque bearing No. 260077, drawn on Bank of Punjab, amounting of Rs. 2,00,000/- was issued. It goes to show that the cheque for Rs. 2,00,000/- was issued in discharge of liability as part payment. Since the liability was admitted by the petitioner during trial, therefore, there is no illegality or infirmity in the impugned findings recorded by the lower Court.

Faced with this situation, the learned counsel presses for leniency in the matter of sentence.

In this case, the sentence is of rigorous imprisonment for one year alongwith fine of Rs. 2,000/-. Keeping in view the fact that the accused has failed to repay the amount and the lower Court even did not grant any compensation to the complainant nor the present petitioner-accused undertook to pay any compensation or repay the cheque amount, there is no ground to show any leniency. Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

4.4.2016
sjks