

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

Crl. Revision No. 1586 of 2006 (O&M)

Date of decision : 11.8.2017

Jasbir Kaur

.. Petitioner

versus

State of Punjab and another

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Ms. Puja Chopra, Advocate, for the petitioner.

Mr. P.S. Bajwa, Additional Advocate General, Punjab.

Rajesh Bindal, J.

On account of dispute pertaining to two cheques amounting to ₹ 20,000/- and ₹ 15,000/- having not been cleared, the petitioner was convicted under Section 138 of the Negotiable Instrument Act, 1881 and she was sentenced to undergo imprisonment for a period of six months and pay fine of ₹ 1,000/-. The appeal was also dismissed.

Learned counsel for the petitioner pointed out that no evidence was led by the complainant to show as to when the loan was advanced. Transaction was in cash only. The petitioner as well as respondent No.2 were working in the same establishment. She was unmarried at that time. The incident pertains to the year 1999 and in the last about 18 years, she must have settled in life. Out of six months imprisonment awarded, she has already undergone three months of actual imprisonment.

None has appeared for respondent No.2/complainant despite service.

After hearing learned counsel for the petitioner and considering

the submissions made by her especially keeping in view the fact that the amount of cheques is merely ₹ 35,000/- and the petitioner who was a young unmarried girl, when the alleged cheques were issued about 18 years back, must have settled in life, in my opinion, the sentence awarded to her deserves to be reduced to the period already undergone.

The revision petition is accordingly allowed. The impugned orders passed by the courts below are modified to the extent that sentence of six months imprisonment awarded to the petitioner is reduced to the period already undergone.

(Rajesh Bindal)
Judge

11.8.2017
sharmila

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No