

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 1225-2016 (O&M)
Date of decision: 14.09.2017

Vinod

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Aman Dhir, Advocate for the petitioner
Mr.R.K.Makkad, Deputy Advocate General, Haryana
Mr.S.N.Yadav, Advocate for the respondent no.2

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner had issued a cheque for Rs.1,50,000/- to the respondent/ complainant, which on presentation, was dishonoured by the bank, on the basis of which, a criminal complaint was filed against him. The same was decided on 19.11.2015 by learned Judicial Magistrate First Class, Bahadurgarh, vide which petitioner was convicted for commission of an offence punishable under Section 138 Negotiable Instruments Act, 1881 and was sentenced to undergo Simple Imprisonment for one year and to pay amount of cheque along with interest @ 9% per annum from the date of filing of the complaint till the date of its decision. In default, he was to further undergo Simple Imprisonment for three months. Appeal against the said judgment was dismissed by learned Sessions Judge, Jhajjar vide judgment dated 10.3.2016.

Before this Court, the petitioner deposited a demand draft of

Rs.1,72,500/-, which is lying with the Registry of this Court.

Learned counsel for the petitioner has stated that in addition to above said cheque amount, he has paid some part of the interest also and prays for showing leniency in sentence.

Learned counsel for respondent however, has insisted that he should be allowed interest as per the judgment of the lower Court.

After considering the facts and circumstances, the judgment of the lower Court, as affirmed by the lower Appellate Court, is modified to the extent that in addition to the cheque amount of Rs.1,50,000/-, Rs.22,500/- shall be treated as compensation under Section 357(3) Cr.P.C. in place of interest @ 9% per annum from the date of filing of the complaint till its decision. The entire amount along with compensation stands paid. As per Custody certificate, the petitioner has already undergone a total imprisonment of 2 months and 5 days. No previous criminal case against the petitioner is pending or decided.

Considering these circumstances, sentence of the petitioner is reduced to the period already undergone by him.

With above noted modification, the revision is partly allowed. Registry is directed to release the demand draft in favour of the complainant/ respondent forthwith.

14.09.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No