

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No. 2718 of 2014 O&M)
Date of decision: 6.7.2017

Bal Krishan

.. Petitioner

v.

Ashwani Kumar and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Avtar Singh Bhatti, Advocate for the petitioner.
Ms. Rihi Kaushal, Advocate for
Mr. Sanjeev Pandit, Advocate for respondent No. 1.

Ms. Anju Arora, Addl. Advocate General, Punjab.

...

Rajesh Bindal J.

Having been convicted for offence under Section 138 of the Negotiable Instruments Act, 1881, the petitioner has filed the present petition. He was sentenced to undergo rigorous imprisonment for a period of six months. Fine of ₹ 4,000/- was imposed, out of which ₹ 2,000/- were to be paid to the complainant-respondent No. 1. The cheque in dispute was of ₹ 15,000/-. As undertaken by him, the petitioner deposited the cheque amount of ₹ 15,000/- with the court of Chief Judicial Magistrate, Hoshiarpur on 7.10.2014. The amount is still lying with the court, as learned counsel for the complainant submitted that he has not withdrawn that amount.

Learned counsel for the petitioner further submitted that the petitioner is ready to compensate the complainant by paying additional sum

After hearing learned counsel for the parties and considering the fact that the amount of cheque, for dishonour of which the complaint was filed, has already been deposited by the petitioner with Chief Judicial Magistrate, Hoshiarpur and the petitioner is ready and willing to pay another sum of ₹ 15,000/- to the complainant, subject to the aforesaid condition, in case the petitioner deposits the amount with the court of Chief Judicial Magistrate, Hoshiarpur within a period of one month from today, the sentence awarded to the petitioner is reduced to the period already undergone, which is 21 days. However, it is made clear that in case the petitioner fails to deposit the amount, the sentence already awarded to the petitioner shall be deemed to be upheld and he will surrender to undergo the remaining imprisonment awarded to him.

Respondent No. 1-complainant shall be entitled to withdraw the aforesaid amount of ₹ 30,000/-. Amount of ₹ 2,000/-, as awarded by the court to the complainant as compensation, shall also be paid to him.

The revision petition stands disposed of, accordingly.

(Rajesh Bindal)
Judge

6.7.2017
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No