

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRR No. 2614 of 2016 (O&M)
 2. CRR No. 2622 of 2016 (O&M)
- Date of Decision: 30.05.2017**

ShreeRam

...Petitioner

VERSUS

The Fatehabad District Primary Cooperative Agriculture & Rural Development Bank Ltd.

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Radhe Shyam Sharma, Advocate
for the petitioner.

Mr. Arun Sharma, Advocate
for the respondent-Bank.

SURINDER GUPTA, J.(Oral)

Heard.

Learned counsel for the petitioner submits that the matter has since been amicably settled and under the settlement the petitioner has repaid the entire due amount to the complainant-Bank and no dues certificate dated 19.01.2017 to this effect was issued by respondent-Bank, copy of which has been produced today in Court

The petitioner was convicted by the trial court for offence punishable under Section 138 of Negotiable Instruments Act and awarded punishment of rigorous imprisonment for one year. A compensation of ₹2,40,000/- was also awarded to the complainant-Bank in view of Section 357 (3) Cr.P.C.

BRIEF FACTS OF CRR NO. 2614 OF 2016

The petitioner was advanced loan of ₹3 lacs on 17.03.2009 and

₹2 lacs on 28.12.2011 for floriculture and levelling of land. The petitioner agreed to repay the same in easy installments. In discharge of his liability, the petitioner issued cheque bearing No.609679 on 26.03.2014 for a sum of ₹2,10,000/-, which on presentation was dishonoured with the remarks 'insufficient funds'.

BRIEF FACTS OF CRR NO. 2622 OF 2016

The petitioner was also advanced loan of ₹3 lacs on 17.03.2009 for laying underground pipeline and ₹1,50,000/- on 22.12.2011 for land levelling by the complainant-Bank. In discharge of his liability, petitioner presented cheque no. 609778 on 26.03.2014 for a sum of ₹1,24,500/-, which on presentation was dishonoured with the remarks 'insufficient funds'.

Learned counsel for petitioner has submitted that as the matter has since been amicably settled and the entire outstanding loan amount has been paid, a lenient view regarding quantum of sentence be taken. The petitioner is in custody w.e.f. 11.07.2017 and the sentence awarded to him be reduced to the period of imprisonment already undergone by him.

Learned counsel appearing for respondent-complainant endorses the submissions of learned counsel for petitioner and submits that the complainant-Bank has already received entire due amount and it has no objection if the sentence awarded to the petitioner is reduced as prayed for.

Keeping in view the submissions of learned counsel for the parties, these petitions are partly accepted. The conviction of petitioner as recorded by Courts below in both the petitions for offence punishable under Section 138 of Negotiable Instruments Act is maintained. However, the substantive sentence awarded to him in both the petitions is reduced from rigorous imprisonment for one year to the period of imprisonment already

undergone by him till date.

Intimation be sent to Superintendent, Central Jail-II, Hisar to release the petitioner, if not required in any other case.

May 30, 2017
jk

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>