

Revisionist was convicted by the learned Judicial Magistrate 1st Class, Dhuri, under Section 138 of the Negotiable Instruments Act, 1881, and was sentenced to undergo rigorous imprisonment for one year and fine of Rs. 1,000/-, in default thereof, to undergo further simple imprisonment for 15 days, on account of the fact that cheque for Rs. 1,50,000/-, issued by revisionist, was dishonoured by the bank on account of insufficient funds, vide judgment of conviction and order of sentence dated 11.4.2016. The appeal filed by revisionist was dismissed by the learned Additional Sessions

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Judge, Sangrur, vide judgment dated 20.7.2016 by modifying the sentence in default of payment of fine from simple imprisonment to rigorous imprisonment.

As per the custody certificate, revisionist has undergone the total sentence of 7 months and 7 days, including remission of 25 days.

The short prayer of learned counsel for revisionist revisionist is to reduce the sentence of revisionist to the period already undergone by him.

The prayer has been opposed by learned counsel for complainant-respondent No. 1 on the ground that accused-revisionist has not paid even a single penny out of cheque amount. Revisionist is stated to be 70 years of age, as recorded in the judgment dated 20.7.2016, passed by the learned Additional Sessions Judge, Sangrur.

Considering the amount involved, age of revisionist and his conduct in not paying a single penny, the sentence of rigorous imprisonment for one year is reduced to the period already undergone by revisionist. However, fine is enhanced from Rs. 1,000/- to Rs. 50,000/-, to be paid to complainant as compensation. The remaining part of sentence is maintained. Revisionist, who is on bail, be rearrested and committed to jail to undergo the remaining part of sentence for default, in case he does not pay the fine, enhanced by this Court, within two months, from the date of judgment.

With the abovenoted modification, revision is dismissed.

(KULDIP SINGH)
JUDGE

15.11.2017
sjks

Whether speaking / reasoned	:	Yes
Whether Reportable	:	No