

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

**CRR No.2946 of 2016 (O&M)
Date of decision : November 09, 2017**

M/s Pardeep Traders and another Petitioner

Versus

Sunny Gupta and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Munish Puri, Advocate for the petitioner.

None for respondent No.1.

Ms. Monika Jalota, DAG, Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner has been convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.1,000/-, in default of payment of fine to further undergo rigorous imprisonment for 30 days, vide judgment of conviction and order of sentence dated 23.02.2016 passed by the learned Addl. Chief Judicial Magistrate, Pathankot. The appeal against the said judgment was dismissed by the learned Addl. Sessions Judge, Pathankot, vide judgment dated 13.07.2016.

I have heard learned counsel for the parties and have also carefully gone through the case file.

Learned counsel for the petitioner presses the present revision petition only on the point of quantum of sentence.

In this case, the cheque amounting to Rs.2,48,000/- was issued by the present petitioner, which was dishonoured by the bank for want of 'sufficient funds'.

Custody certificate dated 09.11.2017 of the petitioner has been filed in the Court today and the same is taken on record. As per custody certificate, the petitioner has already undergone total sentence of 10 months 25 days including earned remission of 1 month and 10 days. The petitioner is not a previous convict nor any other case is pending against him.

Considering the facts and circumstances of the case, the substantive sentence awarded to the petitioner is reduced to the period already undergone.

With the abovenoted modification, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

November 09, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No