

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

CRR 3104-2016 (O&M)

Date of decision: 15.12.2017

Major Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: None for the petitioner
 Ms. Monika Jalota, DAG Punjab
 Mr. T.P.S. Makkar, 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?*

Kuldeep Singh, J. (Oral)

Custody certificate dated 15.12.2017 filed in Court today and the same is taken on record.

Today again none has appeared for the petitioner. In view of judgment of the Apex Court in Damodar S. Prabhu vs. Sayed Babalal H., 2010(5) SCC 663, 15% of the cheque amount has not been deposited.

It comes out that the parties have effected compromise. The entire cheque amount has been paid. However, the compounding fee has not been deposited.

In the circumstances, the sentence of the petitioner under Section 138 of Negotiable Instruments Act, 1881 is reduced from rigorous imprisonment for one year to the period already undergone by him i.e. 3 months and 23 days.

With above noted modification, the present petition is dismissed.

15.12.2017
gk

(Kuldeep Singh)
Judge

Whether speaking/ reasoned: Yes
Whether Reportable: No