

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR- 3312 -2016 (O&M)
Date of decision: 25.07.2017

Jafar

.....Petitioner

versus

State of Haryana and another

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: None for the petitioner
Mr.Pawan Garg, Assistant Advocate General, Haryana

- 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?*

Kuldip Singh, J. (Oral)

Custody certificate dated 24.7.2017 filed in Court is taken on record.

Since none has appeared on behalf of the petitioner, I proceed to dispose of the present petition.

Vide order dated 6.3.2017, this Court has issued notice only on the quantum of sentence since conviction of the petitioner under Section 138 of Negotiable Instruments Act, 1881 was not challenged. I have gone through the file. Vide judgment of conviction dated 2.4.2016 and order of sentence dated 6.4.2016 passed by learned Judicial Magistrate First Class, Mewat, the present petitioner was convicted for commission of an offence punishable under Section 138 Negotiable Instruments Act, 1881 and sentenced to undergo Simple Imprisonment for period of one year in addition to the compensation of Rs.1,65,000/- within a period of two months., in default of payment of compensation within aforesaid period, to

further undergo Simple Imprisonment for three months. Same was affirmed by learned Sessions Judge, Mewat vide judgment dated 3.8.2016.

Custody certificate shows that the petitioner has already undergone the total sentence of 11 months and 23 days including remissions.

It being so, it is only seven days short of the total sentence. Therefore, substantive sentence of the petitioner is reduced from one year to the period already undergone by him under Section 138 of Negotiable Instruments Act, 1881. The remaining part of the sentence i.e. Payment of compensation and default imprisonment is kept intact.

With the above noted modification, the revision petition stands disposed of.

25.07.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No