

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

(i)

CRR No.3685 of 2016 (O&M)

Ravi Kant Gulati

...Petitioner

VERSUS

Qasimuddin

...Respondent

(ii)

CRR No.3696 of 2016 (O&M)

Ravi Kant Gulati

...Petitioner

VERSUS

Qasimuddin

...Respondent

(iii)

CRR No.3701 of 2016 (O&M)

Ravi Kant Gulati

...Petitioner

VERSUS

Qasimuddin

...Respondent

Date of Decision: May 16, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Manoj Kumar Sood, Advocate
for the petitioner.

Mr.Rajesh Lamba, Advocate
for the respondent.

INDERJIT SINGH, J.

revisions as the point for determination in all the cases is the same.

The above-mentioned revision petitions have been filed by petitioner Ravi Kant Gulati against respondent Qasimuddin, challenging the impugned judgments of conviction dated 28.02.2014 and order of sentence dated 03.03.2014 passed by learned Judicial Magistrate Ist Class, Faridabad, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year under Section 138 of the Negotiable Instruments Act in each case and further to pay compensation of ₹4,24,000/-, ₹4,17,000/- and ₹4,20,000/- respectively to the complainant and in default of payment of compensation, the petitioner was directed to undergo simple imprisonment for a period of two months in each case and also challenging the judgments dated 18.08.2015 passed by learned Sessions Judge, Faridabad, vide which the appeals filed by petitioner were dismissed.

From the record, I find that complaints were filed by complainant Qasimuddin against accused Ravi Kant Gulati under Section 138 of the Negotiable Instruments Act. The case of the complainant is that he and accused No.2 are well known to each other and on the assurance of accused No.2, the complainant gave a sum of ₹14,50,000/- to accused No.2 for business purpose but the accused No.2 did not fulfill the terms and conditions and denied to repay the said amount. At last the complainant got lodged a F.I.R. bearing No.418 dated 5.11.2008, under Sections 406, 420, and 506 IPC against accused No.2 in Police Station Kotwali, Faridabad. Regarding the payment which the accused No.2 has borrowed from the complainant, a compromise took place between the accused No.2 and the complainant and as per the compromise deed dated 24.11.2008, the accused

way of postdated cheques. Out of the outstanding amount to make the part payment, accused No.2 after admitting the liabilities, issued the account payee cheques No.414638, 414639 and 414640 dated 30.5.2009 for ₹3,00,000/- each, in favour of the complainant. As per the assurance of the accused no.2, in the terms of compromise deed, which on presentation for encashment, the same were returned back dishonoured with the remarks 'Insufficient Funds'. Legal notices were served upon the accused. When the amounts were not paid, then the complaints were filed within time.

Learned JMIC, Faridabad, after appreciating the evidence, convicted and sentenced the petitioner as stated above. Appeals were filed by the petitioner and the same were dismissed by learned Sessions Judge, Faridabad, vide judgments dated 18.08.2015.

Aggrieved from the above-said judgments, present revision petitions have been filed.

Notice of motion was issued and learned counsel for respondent appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction and sentence and only prayed that sentence imposed upon the petitioner in each case may be ordered to run concurrently.

I have heard learned counsel for the parties and have gone through the record.

As learned counsel for the petitioner did not dispute the concurrent findings of the Court below regarding conviction, therefore, all the above-mentioned revision petitions stand dismissed.

However, keeping in view the facts and circumstances of the

case, it is ordered that the sentences imposed upon the petitioner in all the above-mentioned cases shall run concurrently as all the cheques have been issued in one and same transaction and there is no reason or ground as to why these sentences should not run concurrently.

May 16, 2017
Vgulati

Whether speaking/reasoned
Whether reportable

(INDERJIT SINGH)
JUDGE

Yes
No