

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

CRR-4876-2015 (O&M)

Date of Decision: 17.08.2017

ASHOK KUMAR

...Petitioner

VS.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. J.S. Jaidka, Advocate,
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

Mr. Jawahar Lal Goyal, Advocate,
for Mr. Vivek Aggarwal, Advocate, for respondent No. 2.

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)

It comes out that the petitioner has been convicted by the both the Courts below for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for one year and to pay a fine of ₹ 15,000/- in default thereof, imprisonment for further one month.

The custody certificate dated 17.08.2017 filed today in Court shows that the petitioner has undergone the actual sentence of 13 days including remissions.

On an earlier date of hearing i.e. 03.08.2017, learned counsel for the respondent No. 2 has informed this Court that he has received entire cheque amount alongwith the compensation amount and the petitioner was directed to deposit 15% of the cheque amount in terms of “***Damodar S.***

Prabhu Vs. Sayed Babalal H.” ; 2010 (5) SCC 663, but he failed to deposit the same.

Since, the petitioner has paid entire cheque amount alongwith compensation amount to the complainant, therefore, considering the said fact, sentence of the petitioner is ordered to be reduced to the period already undergone by him.

The present revision is accordingly partly allowed.

August 17, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

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Whether speaking / reasoned :	Yes	No
		☒
Whether Reportable :	Yes	No