

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

**1 CRR No.4120 of 2016 (O&M)  
Date of decision : July 14, 2017**

**SMR Exports ..... Petitioner**

**Versus**

**State of Haryana and another ..... Respondents**

**2 CRR No.4133 of 2016 (O&M)**

**SMR Exports ..... Petitioner**

**Versus**

**State of Haryana and another ..... Respondents**

**3. CRR No.4134 of 2016 (O&M)**

**SMR Exports ..... Petitioner**

**Versus**

**State of Haryana and another ..... Respondents**

**4. CRR No.4135 of 2016 (O&M)**

**SMR Exports ..... Petitioner**

**Versus**

**State of Haryana and another ..... Respondents**

**5. CRR No.4148 of 2016 (O&M)**

**SMR Exports ..... Petitioner**

**Versus**

**State of Haryana and another ..... Respondents**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:-** Mr. Virendra Rana, Advocate for the petitioner.

Mr. R.K. Makkad, DAG, Haryana.

Mr. Pramod Ahuja and Abhimanyu Batra, Advocates  
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)**

This order of mine shall dispose of five connected revision petitions bearing CRR Nos.4120, 4133 to 4135 and 4148 of 2017 against the concurrent findings of two courts below.

Brief facts of the case are that in order to discharge the legal debt, the revisionist issued five different cheques of total value of ₹9 lac, which on presentation were dishonoured by the bank with remarks 'insufficient funds'. Consequently, separate complaints were filed. The allegations against the revisionist were proved before the learned Judicial Magistrate 1<sup>st</sup> Class, Gurgaon, who convicted him for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced her to undergo simple imprisonment for one month. She was also ordered to pay compensation in all the complaints.

The appeals against the said judgments were dismissed by the learned Addl. Sessions Judge, Gurgaon, vide judgment dated 26.10.2016.

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

Learned counsel for the revisionist states that during the pendency of the present revision petition, the revisionist has paid the entire amount of all the five cheques amounting to ₹9 lac along with compensation of ₹2,00,000/- awarded by both the courts below and prays for leniency in the sentence.

On the other hand, learned counsel for respondent No.2 states that he is not willing to compound the offence as the revisionist was not paying the rent regularly and the complainant had pursued the remedy before three courts. It has also been stated that the revisionist had slipped away from the court of learned Addl. Sessions Judge, Gurgaon when the judgment was pronounced. Therefore, she could not be taken into custody. Thus, it is prayed that conduct of the revisionist does not warrant any leniency.

After considering the facts of the case and the pleas put forward by both the parties, I am of the view that the revisionist is a woman and she has paid the entire cheque amount of all the five cases and the compensation awarded by both the courts below. Therefore, it is a fit case, where the leniency in the sentence can be shown. While maintaining the conviction of the revisionist, the sentence awarded by both the courts below in all the cases is reduced to the sentence till the rising of the Court. All the sentences awarded in all the cases are ordered to run concurrently. The revisionist is directed to put in appearance before the trial court to undergo the sentence till rising of the court.

With the abovenoted modification, all the aforesaid revision petitions are dismissed.

**(KULDIP SINGH)**  
**JUDGE**

**July 14, 2017**

sarita

Whether speaking / reasoned                      Yes

Whether Reportable:                                      No