

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRR No. 4161 of 2016 (O&M)
Date of Decision: 24.05.2017**

Gurmeet Singh

...Petitioner

VERSUS

Ravinder Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. Sunny K. Singla, Advocate
for the respondent.

SURINDER GUPTA, J.(Oral)

This is revision petition filed by petitioner-Gurmeet Singh against judgment dated 09.09.2016 passed by Additional Sessions Judge, Saagrur whereby his appeal against judgment dated 29.03.2014 passed by Judicial Magistrate Ist Class, Malerkotla convicting and sentencing him for offence punishable under Section 138 of Negotiable Instruments Act, 1881 was dismissed.

2. As per case of respondent-Ravinder Singh, the petitioner in order to discharge his legal liability issued cheque no. 462676 dated 18.08.2012 for ₹6 lacs drawn on HDFC Bank Ltd., Branch Patiala Gate, Nabha from his account no. 1561000091368. On presentation of cheque to bank, it was dishonoured with remarks 'Account Closed'.

3. Learned counsel for the petitioner has confined his submission only for taking a lenient view regarding the quantum of sentence without

challenging conviction of petitioner as recorded by Court below. He has argued that the petitioner is 41 years of age. He has a daughter of marriageable age and a school going son. He has faced trial for about more than five years and has already undergone sentence for a period of about 8½ months. He is not a previous convict and financial condition of petitioner was also not sound otherwise he would have attempted to pay all his debts. He has requested for reducing the sentence of petitioner to the period of imprisonment already undergone by him.

4. Learned counsel for the respondent has contested submissions of learned counsel for the petitioner submitting that the petitioner has not paid even a single penny out of the total amount of ₹6 lacs advanced to him by the respondent, which has resulted in huge economic loss to the respondent.

5. Though, petitioner is not a previous convict but he has not compensated the respondent. Keeping in view all the above facts and submissions of learned counsel for the petitioner, I am of the considered opinion that interest of justice shall be fully served if the sentence of petitioner is reduced from the period of rigorous imprisonment for 1½ years to rigorous imprisonment for one year.

6. As a sequel of my above discussion, this revision petition is partly accepted. Conviction of petitioner as recorded by the Court below for offence punishable under Section 138 of Negotiable Instruments Act is maintained. However, the substantive sentence awarded to him is reduced from rigorous imprisonment for 1½ year to rigorous imprisonment for one year. The sentence of fine and imprisonment awarded in lieu of non-payment of fine is, however, maintained.

7. Disposed of in above terms.

A copy of this order be sent to Superintendent, District Jail,
Sangrur for information and necessary action.

May 24, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No