

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-4258-2016 (O&M)
Date of decision: 14.07.2017

Harish Chander Yadav

.....Petitioner

versus

Rakesh Saha

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: None for the petitioner
Mr.Sudhanshu Makkar, Advocate for the respondent

- 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?*

Kuldeep Singh, J. (Oral)

Despite last opportunity, none has appeared for the petitioner despite second call. Therefore, in terms of the last order, I proceed to decide the matter.

This is a criminal revision against the judgment dated 20.10.2016, passed by learned Additional Sessions Judge, Gurgaon, affirming the judgment of conviction dated 5.6.2013 and order of sentence dated 6.6.2013 passed by learned Judicial Magistrate First Class, Gurgaon, vide which the present revisionist was convicted for commission of offence punishable under Section 138 of Negotiable Instruments Act, 1881 and sentenced to undergo Simple Imprisonment for six months and compensation of Rs.8,36,775/-, within 30 days, in default of payment, to further undergo Simple Imprisonment for a period of three months.

The perusal of the file shows that the petitioner issued a cheque

no.121803 dated 24.1.2012 for Rs.5,57,850/-, which on presentation was dishonoured by the bank vide memo dated 9.5.2012 with remarks “funds insufficient”. The judgments of both the Courts below show that the cheque was issued for the discharge of legal liability and was dishonoured. Judgment of the lower Court shows that there is no mis-reading or mis-interpretation of evidence. Both the Courts below have given reasoning in support of the judgments. Therefore, there is no illegality or infirmity in the same. Hence, the present petition is dismissed.

14.07.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No