

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**1. CRR 4589 of 2016 (O&M)**  
**Date of Decision : 17.02.2017**

Mandeep Nanda ....Petitioner

Versus

Pawan Mehta and another ....Respondents

**2. CRR 4590 of 2016 (O&M)**

Mandeep Nanda ....Petitioner

Versus

Pawan Mehta and another ....Respondents

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Prabhjot Singh, Advocate  
for the petitioner.

**Surinder Gupta, J.**

Petitioner-Mandeep Nanda filed complaint for offence punishable under Section 138 of Negotiable Instruments Act, 1988 against respondent no. 1-Pawan Mehta, after a cheque bearing no. 456765 dated 17.01.2010 for a sum of ₹1,20,000/- issued by respondent no. 1 was dishonoured by the bank for want of sufficient balance. Respondent no. 1-Pawan Mehta was convicted and awarded sentence of rigorous imprisonment for one year and to pay fine of ₹3000/- and in default of payment of fine to further undergo rigorous imprisonment for two months.

2. Respondent no. 1-Pawan Mehta filed appeal against judgment of the trial Court. During pendency of appeal, he moved an application for permission to allow him to deposit the cheque amount with reasonable costs/compensation and on grant of permission, deposited the same with costs/compensation to the tune of 20% of the cheque amount. On payment of cheque amount and costs/compensation, Ist Appellate Court took a lenient

view and while maintaining the conviction of respondent no. 1, modified the

sentence and ordered to release respondent no. 1 on probation for a period of one year on his furnishing probation bonds in a sum of ₹50,000/- without surety.

3. In the other complaint filed by the petitioner for dishonour of cheque bearing no. 456767 dated 30.01.2010 for a sum of ₹55,000/-, respondent no. 1 was awarded sentence of rigorous imprisonment for three months and to pay fine of ₹1000/- and in default of payment of fine to further undergo rigorous imprisonment for 10 days. Ist Appellate Court, on payment of cheque amount alongwith 20% of the cheque amount towards costs/compensation, allowed the benefit of probation to respondent no. 1.

4. Not satisfied, complainant-petitioner has filed above-captioned revision petitions seeking setting aside of judgment of Ist Appellate Court and awarding adequate sentence to respondent.

5. In both the complaints, respondent no. 1 has paid cheque amount plus 20% of the cheque amount towards costs/compensation and this has led the Ist Appellate Court to take lenient view regarding quantum of sentence. The offence committed by respondent no. 1 relates to financial transaction. The moment, debt due towards respondent no. 1 was discharged by him, Ist Appellate Court has committed no error in taking a lenient view and extending the benefit of probation to respondent no. 1.

6. In view of above facts and circumstances, I find no merit in submission of learned counsel for the petitioner for awarding sentence to respondent no. 1 instead of releasing him on probation.

7. These revision petitions have no merit and the same are dismissed.

**February 17, 2017**  
jk

**( SURINDER GUPTA)**  
**JUDGE**