

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.4677 of 2016 (O&M)
Date of decision: 26.05.2017

Lachhman Singh ...Petitioner(s)

Versus

Ramesh Kumar ...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Deepak Aggarwal, Advocate for the petitioner (s).
Mr. A.K. Khunger, Advocate for the respondent.

Jitendra Chauhan, J. (Oral)

By filing the present criminal revision, the petitioner has assailed the judgment dated 10.11.2016, vide which, learned Addl. Sessions Judge, Bathinda, upheld the judgment of conviction and order of sentence dated 17.05.2016, passed by learned Judicial Magistrate First Class, Bathinda, whereby the petitioner has been convicted and sentenced as under:-

Under Section(s)	Sentence(s)
138 of the Negotiable Instruments Act	RI for 2 years and fine of Rs.3000 and in default thereof RI for 6 months

The learned counsel for the petitioner does not press the revision petition on its merits and submits that the petitioner being the sole bread winner of the family and has suffered the agony of a protracted trial since the year 2014. He has already undergone actual sentence of 04 months and 27 days as on 24.04.2017, out of substantive sentence of 02

years. The learned counsel for the petitioner states that the entire payment has been made, which is duly admitted by the learned counsel for the respondent. Thus, the learned counsel prays for a lenient view on the quantum of sentence imposed by the Courts below.

I have heard the arguments of the learned counsel for the parties and have carefully gone through the record of the case.

The case of the respondent is fully proved from the statements of the witnesses duly corroborated with documentary evidence. Once the petitioner has decided not to press on the basis of merits, the present revision petition is hereby dismissed. The Court will now examine the matter whether a lenient view in the matter of sentence can be taken.

As per the record, the petitioner has suffered agony of protracted trial as the complaint pertains to the year 2014. Petitioner has already undergone actual sentence of 04 months and 27 days as on 24.04.2017, out of substantive sentence of 02 years. No previous conviction has either been alleged or proved against the accused. The entire payment has been made and the complainant at this stage supports the case of the petitioner. In view of the above mitigating circumstances, the prayer made on behalf of the petitioner is accepted. The sentence awarded to the petitioner is ordered to be reduced to the period already undergone.

Ordered accordingly.

26.05.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No