

226 (3 Cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-4681-2016 (O&M)

Date of Decision: 07.09.2017

RAMA SHANKAR MISHRA AND ANOTHER

... Petitioners

VS.

SURINDER KUMAR

...Respondent

CRR-4685-2016 (O&M)

RAMA SHANKAR MISHRA AND ANOTHER

... Petitioners

VS.

SURINDER KUMAR

...Respondent

CRR-4687-2016 (O&M)

RAMA SHANKAR MISHRA AND ANOTHER

... Petitioners

VS.

SURINDER KUMAR AND ANOTHER

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Aman Pal, Advocate
 for the petitioner(s).

None for complainant-respondent No. 1.

Mr. Yashwant Rathore, Public Prosecutor,
For U.T., Chandigarh.

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)

By this single order, I will dispose of above mentioned three connected revision petitions bearing CRR No. 4681, 4685 and 4687 all of 2016 arising out of the similar facts.

None for the respondent No. 1 despite service.

The short prayer of the learned counsel for the petitioner at the time of arguments is only for concurrent running of the sentences awarded to the accused-petitioner under Section 138 of the Negotiable Instruments Act, 1881 in three different complaint case i.e. Complaint No. 33191 of

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CRR-4687-2016 (O&M)

09.01.2013, 4295 of 17.01.2013 and 28903 of 19.01.2013 which were disposed of on the same date i.e. on 09.10.2015 by the learned Judicial Magistrate Ist Class, Chandigarh. In all the complaint cases, the petitioner was convicted and sentenced to undergo rigorous imprisonment for one year and to pay compensation equivalent to cheque amount to the complainant-respondent No. 2.

In the appeals filed before the learned Additional Sessions Judge, Chandigarh against all the three judgements of conviction and orders of sentence, the same were upheld.

The perusal of the judgments of the trial Court shows that a loan of total amount ₹37.00 Lakhs was advanced to the accused and in repayment of the said loan, two cheques bearing No. 116847 dated 05.12.2012 and No. 116852 dated 06.12.2012 for ₹15.00 Lakhs and ₹7.00 Lakhs respectively were issued in first complaint case. In second complaint case, two cheques bearing Nos. 116889 and 555570 both dated 10.12.2012 for ₹3.00 Lakhs and ₹2.00 Lakhs respectively were issued by the accused petitioner whereas in the third case three cheques bearing No. 502504, 116874 and 022184 all dated 11.12.2012 for ₹1.00 Lakh, ₹4.16 Lakhs and ₹3.00 Lakhs respectively were issued by the accused petitioner. All the aforementioned cheques were stated to have been returned unpaid by the bank with remarks "Funds Insufficient".

After going through the facts of all the three complaints, I am of the view that accused-petitioner has raised a total loan of ₹37.00 Lakhs The complainant-respondent No. 2 had split up the cheques, which were issued in discharge of the legal liability, into three different complaints. For two

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cheques each, two complaints were filed and for three cheques, one complaint was filed and these cheques were alleged to have been issued within a span of few days. It goes to show that it was one financial transaction which was split into three different complaints.

Keeping in view the fact that it was a case of loan involving one financial transaction, the prayer of the learned counsel for the petitioner is allowed and the sentences awarded to the petitioner in all the three complaints cases mentioned above are directed to run concurrently.

September 7, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	✓ Yes / No