

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRL. REVISION No.4809 OF 2016 (O&M)
DATE OF DECISION : 26TH APRIL, 2017**

Jagsir Singh

.... Petitioner

Versus

**Punjab Backward Classes Land Development and Finance
Corporation, Chandigarh.**

.... Respondent

CRL. REVISION NO.4711 OF 2016

Hardeep Singh

.... Petitioner

Versus

**Punjab Backward Classes Land Development and Finance
Corporation, Chandigarh.**

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. J. K. Singla, Advocate for the petitioner(s).

Mr. Gian Chand Garg, Advocate for the respondent.

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A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the rival parties.

The petitioners Jagsir Singh and Hardeep Singh were convicted by the trial Court in the matter of bouncing of cheques in the sum of ₹52,819/- and ₹72,339/- respectively and they were sentenced to undergo simple imprisonment for 90 days in their respective cases.

Learned counsel for the petitioners in both these cases submits that both of them now completed sentence of 74 days out of 90 days.

Admittedly, there is no appeal for enhancement of the sentence as fairly stated by learned counsel for the complainant.

Learned counsel for the complainant however, opposed the petition on the ground that the complainant has not received a single pie from both these petitioners and both the courts have held in his favour. Learned counsel for the complainant submitted that the complainant is interested in taken back his amount. However, this Court is unable to help the complainant in getting his amount back and he is at liberty to adopt such remedies as available in law.

It is then seen that out of 90 days, sentence of 74 days has been undergone by both the petitioners and the remaining period is only 16 days. The counsel for the petitioners makes a submission on instructions from the petitioners that the petitioners would accept the conviction but would pray for setting aside the order of sentence and modifying the same to the period already undergone by them.

Learned counsel for the complainant has opposed this move and submitted that the petitioners should complete the entire sentence.

However I find that a few days are remaining and in the absence of any appeal for enhancement of sentence the request made by counsel for the petitioner is need to be accepted looking to the short period that has remained. In that view of the matter, taking the pragmatic view of the matter, I think the following order will subserve the interest of justice:

ORDER:

- i) CRL. REVISION No.4809 OF 2016 CRL. REVISION No.4711 OF 2016 are partly allowed.

- ii) The judgment and order of the courts below, convicting the petitioners for offence under Section 138 Negotiable Instruments Act, are confirmed.
- iii) The judgment and order of sentence convicting the petitioner are set aside and modified and the petitioners are sentenced to the period one already they have undergone namely 74 days.

26th APRIL, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

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