

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR 1102-2017 (O&M)  
Date of decision: 04.10.2017

Sukhdev Singh

.....Petitioner

versus

Devinder Singh and another

.....Respondents

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.Gurinder Singh, Advocate for  
Mr.Alok Mittal, Advocate for the petitioner  
Mr.H.S.Jajal, Advocate for the respondent no.1  
Ms.Monika Jalota, DAG Punjab

- 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?*

**Kuldip Singh, J. (Oral)**

Heard.

This Court has issued notice of motion on the quantum of sentence only.

Custody certificate dated 4.10.2017 filed in Court today and the same is taken on record. The petitioner was convicted under Section 138 of Negotiable Instruments Act, 1881 by the Courts below and sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.5000/- and in default thereof, to further undergo Rigorous Imprisonment for one month. As per Custody certificate, petitioner has already undergone total sentence of 9 months and 18 days, including remissions. In this case, a cheque of Rs.8 lakhs was issued, which was dishonoured for want of funds.

The petitioner has not paid anything out of the said cheque amount.

Therefore, the sentence of Rigorous Imprisonment awarded for one year that too without payment of compensation awarded to the complainant in these circumstances, cannot be called excessive.

Resultantly, the present petition stands dismissed.

**04.10.2017**

*gk*

**(Kuldip Singh)  
Judge**

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|-----------------------------|-----|
| Whether speaking/ reasoned: | Yes |
| Whether Reportable:         | No  |