

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

**Crl. Revision No.1128 of 2017 (O&M)
Date of Decision: March 23, 2017**

Raj Singh

.....PETITIONER(s).

VERSUS

The Jalalabad Primary Co-operative Agriculture Development Bank & anr.

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.S. Khurana, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

Learned counsel for the petitioner submits that cheque amount of ₹91,600/- along with litigation expenses has been paid to the respondent.

Notice of motion.

On behalf of respondent No.1, Mr. Jaswinder Singh, Advocate, who is present in the Court, has put in appearance and filed power of attorney. He submits that petitioner has paid entire amount due i.e. ₹1,21,600/- and the claim of respondent No.1 regarding the cheque in question stands totally satisfied. He has also placed on record copy of compromise deed dated 14.03.2017 and has no objection, if this compromise be considered while disposing of this petition.

Respondent No.2-State is a formal party in this petition.

Petitioner Raj Singh was convicted and sentenced for the

offence punishable under Section 138 of Negotiable Instruments Act, 1881 (later referred to as 'N.I. Act') vide judgment dated 16.03.2016 passed by Sub Divisional Judicial Magistrate, Jalalaband (West) and the same was affirmed by first Appellate Court.

The matter has already been settled and the entire due amount has been paid by the petitioner to respondent No.1-bank. The petitioner is stated to be in custody since the date of judgment passed by first Appellate Court on 31.01.2017.

Keeping in view the fact that it is an economic offence, where the complainant has been fully satisfied, I find it to be a fit case to take a lenient view in the matter of quantum of sentence. While maintaining the conviction of petitioner for the offence punishable under Section 138 N.I. Act, the sentence awarded to the petitioner is reduced from two years to the period of imprisonment already undergone by him. His release order be issued to the Jail concerned with direction to release him forthwith, if not required in any other case.

March 23, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***