

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

CRR No. 1207 of 2017 (O&M)

Date of Decision: 19.09.2017

GURDEV SINGH

... Petitioner

VS.

**PUNJAB AGRICULTURAL DEVELOPMENT BANK LTD. AND
ANOTHER**

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Neeraj Madan, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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)

Impugned in the present revision is the judgement dated 04.03.2017 passed by the learned Additional Sessions Judge, Sri Muktsar Sahib affirming the judgment of conviction and order of sentence dated 01.12.2015 passed by the learned Additional Chief Judicial Magistrate, Sri Muktsar Sahib, vide which the petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹2,000/- and in default thereof to further undergo rigorous imprisonment for seven days.

Learned counsel for the petitioner presses the present revision only on the point of quantum of sentence.

In this case the cheque amount is ₹1,98,100/-. Learned counsel for the petitioner has contended that since, the petitioner has mortgaged his property with the respondent Bank, therefore, the loan in question is secured otherwise.

Custody Certificate dated 19.09.2017 shows that the petitioner has undergone total sentence of 7 months and 4 days including remission. It is

further stated that the petitioner is not a previous convict and no other criminal case is pending or decided against him.

Taking into consideration the totality of the circumstances and the fact that the loan amount in question is secured and the petitioner is a farmer, the sentence of rigorous imprisonment of one year under Section 138 of the Negotiable Instruments Act, 1881 awarded to the petitioner is ordered to be reduced to the sentence already undergone by him. Consequently, he be released forthwith, if not required in any other case.

With this modification in the quantum of sentence of the petitioner as indicated herein above, the present revision petition stands dismissed.

September 19, 2017

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

<i>Whether speaking / reasoned</i>	:	✓ Yes	/	No ✓
<i>Whether Reportable</i>	:	Yes	/	No