

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR-572 -2016 (O&M)  
Date of decision: 06.07.2017

**Pawan Kumar**

.....Petitioner

versus

**Nitin**

.....Respondent

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

Present: Mr.Malkeet Singh, Advocate for the petitioner  
Mr.Maninder Singh Bajwa, Advocate for the respondent

- 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)**

Petitioner was convicted vide judgment of conviction and order of sentence dated 12.12.2014 passed by learned Judicial Magistrate First Class, Amritsar and sentenced to undergo Rigorous Imprisonment for one year for commission of offence punishable under Section 138 Negotiable Instruments Act, 1881 on the ground that he issued a cheque for Rs.three lakhs which was dishonoured with remarks "opening balance insufficient". Judgment of learned Additional Sessions Judge, Amritsar dated 19.1.2016 shows that Rs.2,50,000/- were paid to the complainant on 30.7.2014 and 10.7.2015 respectively and the accused had produced a draft of Rs.50,000/- on 8.9.2015 but the complainant refused to accept the same. On this account, after considering the said matter, learned Additional Sessions Judge, Amritsar reduced the sentence from RI for 1 year to Rigorous Imprisonment for six months.

Today, the petitioner has produced a demand draft of Rs.50,000/- which has been handed over to learned counsel for the complainant / respondent and photostate copy of the same is taken on record. In this way, the entire cheque amount of Rs.three lakhs has been paid to the complainant.

Learned counsel for the complainant has stated that he is not ready to compound the offence.

However, considering the fact that Rs.2,50,000/- were paid to the complainant before lower Court and demand draft for remaining amount of Rs.50,000/- was placed on file of the appellate Court which was not accepted by the complainant. The sentence of Rigorous Imprisonment for six months is reduced to the period already undergone by the petitioner.

With the above noted modification, the revision petition is dismissed.

**06.07.2017***gk***(Kuldip Singh)  
Judge**

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