

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

**CRR-1293-2017 (O&M)
Date of decision :20.09.2017**

Bikram Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Amjad Khan, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab
for respondent No.1.

Ms. Reshma Verma, Advocate
for respondent No.2.

H.S. MADAAN, J. (Oral)

Learned counsel for the petitioner states that despite his best efforts, he could not contact the petitioner and the mobile phone of the petitioner is switched off.

A perusal of the file goes to show that the petitioner had shown his willingness to pay ₹2 lacs within a period of seven days from the date of order (06.04.2017) and prayed that for the remaining amount, some

equitable installments be made. It is for that reason, notice of motion was issued. However, he backed out of the said undertaking and did not pay the amount as undertaken by him. It further comes out that after being convicted by the trial Magistrate and sentenced him to undergo rigorous imprisonment for 2 years for offence punishable under Section 138 of the Negotiable Instruments Act, 1881. He had filed an appeal before the Court of Sessions, which was disposed of by Additional Sessions Judge, Jalandhar vide judgment dated 13.02.2017, the appeal was dismissed and the judgment passed by the trial Magistrate was upheld. The appeal was admitted and disposed of in the absence of appellant-accused since he had not appeared in the said Court, his bail order was cancelled and his bail bonds and surety bonds were forfeited to the State. A copy of the judgment was sent to C.J.M. Jalandhar with a direction to issue warrant of arrest against the appellant – accused and then to send him behind the bars to undergo the sentence awarded by the trial Court.

The petitioner came in criminal revision before this Court without surrendering in the trial Court. The petitioner concealed this fact from this Court, resultantly, the petition was entertained without asking him to surrender in the trial Court. Furthermore no order suspending his sentence or granting him bail has been passed by this Court.

Under these circumstances, this revision petition cannot proceed further. I have perused the order passed by the trial Magistrate and that of the Appellate Court, I do not find any illegality or legal infirmity therein which might have called interference by this Court while exercising revisional jurisdiction. Therefore, the present revision petition is dismissed.

Copy of this order be send to the trial Magistrate with a direction to get the petitioner arrested and send him behind the bar to undergo the remaining sentence.

20.09.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**