

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 1383-2017 (O&M)
Date of decision: 31.10.2017

Mahender

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.R.A.Sheoran, Advocate for the petitioner
Mr.Pawan Garg, Assistant Advocate General, Haryana
None for the complainant

- 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)

None has appeared for the complainant despite the fact that notice issued to the respondent bank was duly served through courier.

It comes out that the petitioner had issued a cheque bearing No.746413 dated 6.9.2012 for Rs.1,12,608/- drawn on Punjab National Bank Branch Office Siwani in favour of the complainant-bank which bounced. On a complaint filed by the respondent-bank, the petitioner was convicted under section 138 of Negotiable Instruments Act, 1881 and sentenced to undergo Rigorous Imprisonment for nine months and fine of Rs.500/-, in default thereof, to further undergo Simple Imprisonment for ten days by learned Sub Divisional Judicial Magistrate, Siwani vide judgment of conviction dated 18.12.2015 and order of sentence dated 21.12.2015. The judgment was upheld in appeal by learned Sessions Judge, Bhiwani vide judgment dated 11.4.2017.

Learned counsel for the petitioner contends that he does not press the present petition on merits but presses the petition only on the point of quantum of sentence. It is stated that as reflected in the order dated 31.5.2017 passed by this Court, petitioner had negotiated with the bank and deposited Rs.91,800/- with the bank. Notice of motion was issued to the bank as to whether accounts have been settled. However, the bank has chosen not to put in appearance. It goes to show that out of the cheque amount, atleast major amount has been paid. As per Custody certificate already placed on record, the petitioner has undergone total sentence of one month and 26 days, which includes the remissions also.

Considering the said fact and circumstances, sentence of Rigorous Imprisonment for nine months imposed by the Courts below is hereby reduced to the period already undergone by him. Sentence of fine is maintained.

The present petition is allowed with the above noted observations.

31.10.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No