

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

**CRR-1448-2017 (O&M)
Date of Decision: April 26 , 2017**

Ashok Kumar

.....PETITIONER(s).

VERSUS

UT of Chandigarh and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Ravinder Rana, Advocate
for the petitioner(s).

Ms.Ashima Mor, APP, UT, Chandigarh.

Mr.Rahul Sharma, Advocate,
for respondent No.2.

SURINDER GUPTA, J.(Oral)

Learned counsel for the respondent Mr.Rahul Sharma, submits that he has the instructions to make submission that the petitioner has paid the entire loan amount under the settlement. He has deposited ₹ 4 lacs with the Axis Bank and now no other amount towards the cheque in question is due against the petitioner.

The petitioner was convicted and sentenced to undergo RI for a period of one year for offence punishable under Sections 138 of the Negotiable Instruments Act and was also directed to pay the amount of ₹ 4,60,527/-, i.e., the amount of cheque towards compensation as per the

judgment and order of conviction passed by the Judicial Magistrate, Chandigarh. The appeal filed by the petitioner was dismissed by learned Additional Sessions Judge, Chandigarh.

Now keeping in view the fact that the petitioner has entered into a settlement with the complainant and under the settlement, he has paid the settled amount, I find it to be a fit case to take a lenient view regarding the quantum of sentence.

The conviction of the petitioner as recorded by the learned court below is maintained and sentence awarded to the petitioner is reduced to the period of imprisonment which as per custody certificate dated 25.4.2017 placed on file, is one month and 6 days.

As the petitioner has already paid the entire amount to the complainant under the settlement, order of the court below directing him to pay ₹ 4,60,527/- as compensation is set aside.

The petition is disposed of in the above terms.

Intimation of this order be sent to the Superintendent of Burail Jail, Chandigarh for taking necessary action in the matter.

April 26, 2017
Paritosh Kumar

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No