

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 1713-2017 (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

- 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)

Custody certificate dated 30.10.2017 filed in Court today and the same is taken on record.

The petitioner was convicted and sentenced under Section 138 of Negotiable Instruments Act, 1881 by learned Sub Divisional Judicial Magistrate, Siwani on account of the fact that a cheque bearing No.746414 dated 1.9.2011 for Rs.1,50,200/- drawn on Punjab National Bank Branch Office Siwani issued in favour of the complainant bank had bounced. The appeal was dismissed by the learned Sessions Judge, Bhiwani vide judgment dated 19.4.2017.

Learned counsel for the petitioner states that complainant has not appeared despite notice and that he has deposited a sum of Rs.1,50,200/- with the bank, regarding which a photostate copy of the receipt dated 26.5.2017 was produced and it was also verified by learned State counsel.

As per Custody certificate, the petitioner has undergone actual sentence of 7

days.

The short prayer made at this stage is to reduce the sentence to the period already undergone by the petitioner.

Keeping in view the fact that the petitioner has paid the entire cheque amount, sentence of Rigorous Imprisonment for one year imposed by the Courts below is 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