

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

**1. CRR No.1847 of 2017 (O&M)
Date of decision : August 17, 2017**

**M/s Bhangu Trading Company Merchant &
Commission Agents and another Petitioners**

Versus

Sandhya Jindal Respondent

**2. CRR No.1875 of 2017 (O&M)
Date of decision : August 17, 2017**

**M/s Bhangu Trading Company Merchant &
Commission Agents and another Petitioners**

Versus

Arun Bala Jindal Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Saurabh Kapoor, Advocate for the petitioner.

Mr. Sukhdeep Parmar, Advocate
for the respondent-complainant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

By a single judgment of mine, I shall dispose of two criminal revisions bearing CRR Nos.1847 and 1875 of 2017, involving the same issue.

The common facts of the cases are that two daughters-in-law of one Diwan Chand, namely Sandhya Jindal and Arun Bala Jindal filed separate criminal complaint Nos.159/4 of 22.8.09 and 157/4 of 21.8.09 respectively under Section 138 of the Negotiable Instruments Act, 1881, stating that the accused-petitioner had borrowed a sum of ₹2,50,000/-

from each of them. In order to discharge his liability, the accused-petitioner issued two cheques bearing Nos.128290 and 128291, dated 02.02.2009 respectively amounting to ₹2,50,000/- each in favour of both the complaints. But on presentation to the banker, these were returned with the remarks 'Payment Stopped by the drawer'. Both the aforesaid complainants were decided by the learned Judicial Magistrate 1st Class, Khanna, vide separate judgments dated 16.02.2013, vide which the accused-petitioner was convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹5,000/-, in default of payment of fine to further undergo rigorous imprisonment for one month in each complaint. Both the judgments were affirmed in appeal by the learned Addl. Sessions Judge, Ludhiana vide separate judgments dated 08.12.2016.

I have heard learned counsel for the parties and have also carefully gone through the case file.

The short prayer made by learned counsel for the petitioners is that the sentence awarded to the petitioner in both the aforesaid complaints should be ordered to run concurrently. He does not press the present revision petitions on merits.

After hearing learned counsel for both the parties, I am of the view that in the present cases, both the complainants are close relations being the daughters-in-law of Diwan Chand. The cheques in question were issued in serial number of the same date for the loan transaction between the accused-petitioner and the complainant, who are family members. It being so, it is ordered that the sentence awarded to the accused-petitioner in both

the complaints bearing Nos.159/4 of 22.8.09 and 157/4 of 21.8.09 filed under Section 138 of the Negotiable Instruments Act, 1881 shall run concurrently.

With the abovenoted modification, the present revision petitions stand dismissed.

(KULDIP SINGH)
JUDGE

August 17, 2017
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No