

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

**CRR-1874 -2017 (O&M)
Date of decision: 18.08.2017**

Gayiander

.....Petitioner

versus

Ishwar Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sandeep, Advocate for
Mr.Vikram Singh, Advocate for the petitioner

- 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)

Learned counsel for the petitioner has informed this Court that the petitioner has not surrendered before the trial Court.

Heard.

The present revision petition is directed against the concurrent findings of the two Courts below, vide which the petitioner was convicted for commission of an offence punishable under Section 138 Negotiable Instruments Act, 1881 and sentenced to undergo Rigorous Imprisonment for one year and to pay Rs.10,20,000/- as compensation and in default of payment of compensation to further undergo Rigorous Imprisonment for three months.

Perusal of the judgments of the two Courts below shows that the petitioner had taken Rs.35,38,000/- from the respondent -complainant for investing the same in property as the petitioner was doing the business

of sale and purchase of the property. The petitioner paid a sum of Rs.78,000/- and for the remaining amount, he issued three cheques bearing no.234753 dated 13.5.2013 amounting to Rs.14,60,000/-, No.234754 and 234755 dated 12.6.2013 and 17.6.2013 amounting to Rs.10,00,000/- each, respectively. Out of the aforesaid three cheques, the respondent -complainant presented cheque bearing no. 234755 dated 17.6.2013 amounting to Rs.10,00,000/- for encashment but the same was dishonoured with the remarks 'insufficient funds'. Both the Courts below have found that the legal debt is proved. After going through both the judgments, I am of the view that both the Courts below have given sound reasoning. There is no illegality or infirmity in the same. Therefore, there is no ground to interfere in the judgments of both the Courts below.

Resultantly, the present petition stands dismissed. Let the petitioner be arrested and committed to custody to undergo the remaining part of the sentence.

18.08.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No