

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

**CRR No.2402 of 2017 (O&M)
Date of decision : September 28, 2017**

Rashpal Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rajeev Sharma, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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)

Notice issued to respondent No.2 received back unserved with the report that he has left the house and is not traceable.

Learned counsel for the petitioner presses the present revision petition only on the point of quantum of sentence.

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record.

The 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 ₹2,000/-, in default of payment of fine to further undergo rigorous imprisonment for 30 days by the Judicial Magistrate 1st Class, Ferozepur, vide judgment of conviction and order of sentence dated 09.09.2014.

The appeal filed against the said judgment and order was dismissed by the learned Addl. Sessions Judge, Ferozepur, vide judgment

dated 18.02.2017.

As per custody certificate dated 27.09.2017, the petitioner has already undergone the total sentence of 8 months and 3 days including remission of 24 days. It also shows that the petitioner is not a previous convict nor any other case is pending against him.

The cheque amount was of ₹1,00,000/-

Considering the facts and circumstances of the case, the sentence for rigorous imprisonment for one year awarded to the petitioner is reduced to rigorous imprisonment for eight months three days i.e. the period already undergone by him. However, the sentence of fine is maintained.

Therefore, the petitioner be released forthwith, if not required in any other case.

With the abovenoted modification in the sentence, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

September 28, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No