

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

**1. CRR No.2412 of 2017 (O&M)
Date of decision : August 30, 2017**

Prem Sagar Petitioner

Versus

State of UT, Chandigarh and another Respondents

**2. CRR No.2438 of 2017 (O&M)
Date of decision : August 30, 2017**

Prem Sagar Petitioner

Versus

State of UT, Chandigarh and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. M.S. Saini, Advocate for the petitioner.

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)

CRM-21800-2017 in CRR-2438-2017

There is delay of nine days in filing CRR No.2438 of 2017.

For the reasons mentioned in the application, delay of nine days in filing the said revision petition is condoned, subject to all just exception.

Application stands disposed of.

Main cases

Heard.

This order of mine shall dispose of two criminal revisions bearing CRR Nos.2412 and 2438 of 2017, involving the same issue.

The common facts of both the cases are that the accused-

petitioner received ₹10,00,000/- from the complainant-respondent No.2

and entered into an agreement to sell in the capacity of Special Power of Attorney. Since, the Special Power of Attorney was cancelled and the total amount was to be paid, for which two cheques bearing Nos.012382, dated 28.11.2011 and 419787 amounting to ₹10,00,000/- each were issued by the accused-petitioner for returning the double of the earnest money. On presentation, both the cheques were dishonoured. Consequently, two separate complaints i.e. complaint No.6108 of 25.02.2012 and complaint No.33309 of 08.02.2012 under Section 138 of the Negotiable Instruments Act, 1881, were filed, in which the accused-petitioner was convicted and sentenced to undergo rigorous imprisonment for one year in addition to compensation equivalent to the cheque amount in each complaint.

The short prayer of learned counsel for the petitioner is that it is one financial transaction between the same parties, therefore, the sentences awarded in both the complaints should be ordered to run concurrently.

Considering the abovenoted facts and also the fact that it is one financial transaction regarding which two cheques were issued, without issuing the notice to the respondents, the sentences awarded in both the complaints are ordered to run concurrently.

With the abovenoted modification, both the revisions stand dismissed.

(KULDIP SINGH)
JUDGE

August 30, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No