

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

CRR No. 2477-2017 (O&M)

Date of Decision: 06.10.2017

DALJIT SINGH

... Petitioner

VS.

INDUSIND BANK LTD. (VF), AMRITSAR

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. P.B.S. Goraya, Advocate,
for the petitioner.

Mr. A.S. Virk, Advocate,
for respondent No. 1.

Ms. Monika Jalota, DAG, Punjab.

KULDIP SINGH, J (ORAL)

Impugned in the present revision petition is the judgement dated 19.04.2017 passed by the learned Additional Sessions Judge, Amritsar affirming the judgment of conviction and order of sentence dated 24.08.2016 passed by the learned Judicial Magistrate Ist Class, Amritsar vide which the present petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for one year. The petitioner was further directed to pay ₹3,00,000/- to the complainant as compensation and in default thereof to further undergo rigorous imprisonment for a period of one month under Section 357 (3) Cr. P.C.

Heard.

Learned counsel for the petitioner has pressed the present revision only on the point of quantum of sentence.

It comes out that the petitioner had advanced a vehicle loan of ₹18,00,000/- from the respondent-bank. In discharge of the said liability, the

petitioner has issued one cheque bearing No. 816169 dated 30.04.2012 amounting to ₹2,09,180/- drawn on Punjab National Bank, Naushera Pannuan, Amritsar which on presentation was dishonoured with remarks “insufficient funds”.

Learned counsel for the petitioner has stated that the respondent-Bank have some other cheques with them which were likely to be presented in due course. Out of total sentence of one year, the petitioner is stated to have been undergone the sentence of about 6 months and prays for showing leniency in the sentence awarded to him. It is further stated that the petitioner is a poor man and he purchased the truck for his livelihood.

Taking into consideration the totality of the circumstances, the sentence of rigorous imprisonment for 1 year awarded under Section 138 of the Negotiable Instruments Act, 1881 is hereby reduced to rigorous imprisonment for 10 months under the said Section while maintaining the other part of the sentence awarded to the petitioner.

With this modification in the quantum of sentence of the petitioner as indicated herein above, the present revision petition stands dismissed.

October 6, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

		✓	
Whether speaking / reasoned :	Yes	/	No
			✓
Whether Reportable :	Yes	/	No