

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 2609-2017(O&M)
Date of decision: 03.10.2017

Vinod Kumar

.....Petitioner

versus

Sandhya Finance Limited and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rose Gupta, Advocate for the petitioner
Mr.Ashwani Bhardwaj, Advocate for respondent no.1
Mr.R.K.Makkad, DAG Haryana

- 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)

Heard.

Custody certificate dated 2.10.2017 filed in Court is taken on record.

It comes out that the petitioner stood guarantor for a loan to the tune of Rs.six lakhs advanced to one Ashok Kumar. Since the loan amount was not returned by said Ashok Kumar (borrower), petitioner issued a cheque for a sum of Rs.8,32,000/- drawn on State Bank of India, HAU Branch, Hisar, which was apparently for the said loan amount along with interest. The said cheque, when presented before the Bank, was dishonoured on account of 'insufficient funds'. Both the Courts below have taken a view that there was a legal liability to pay the amount. Therefore, the petitioner was held guilty.

After going through the file, I do not find any illegality or infirmity in the same. Even if the petitioner is guarantor, he has the legal liability to pay the amount in case it is not paid by the borrower. Faced with these circumstances, learned counsel for the petitioner has prayed for showing some leniency in the matter.

As per custody certificate dated 2.10.2017 placed on file today, out of rigorous imprisonment for one year awarded to the petitioner, he has undergone the actual sentence of two months and 12 days and with remissions, sentence of three months and 20 days.

Considering that the amount is about Rs.8,32,000/- and the fact that the sentence is of rigorous imprisonment for one year, there is no ground to interfere in the quantum of sentence also.

The present petition stands dismissed.

03.10.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No