

CRM No. 25282 of 2017 in/and
CRR No. 275 of 2017 (O/M)
Date of decision : 7.9.2017

..... Revisionist

Versus

..... Respondents

Present:- Mr. D.D. Sharma, Advocate, for applicant-revisionist.
Mr. C.L. Pawar, Senior DAG Punjab.
Mr. Parminder Singh, Advocate, for respondent No. 2.

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 ?

CRM-25282-2017

Application is disposed of.

Revisionist was convicted by the learned Judicial Magistrate 1st

Class, Malerkotla, vide judgment of conviction and order of sentence dated 7.1.2016, under Section 138 of the Negotiable Instruments Act, 1881, and was sentenced to undergo rigorous imprisonment for one year and fine of Rs. 5,000/-, in default thereof, to further undergo rigorous imprisonment for one week. Against the said judgment, accused preferred an appeal, whereas the complainant has filed an appeal for enhancement of sentence. Both the appeals were dismissed by the learned Sessions Judge, Sangrur, vide judgment dated 16.1.2017.

CRR No. 275 of 2017 (O/M)

Before this Court, the limited prayer is for showing leniency in the sentence.

In this case, cheque No. 008525, dated 20.11.2013, drawn on Axis Bank Ltd. Br. Malerkotla, for Rs. 28,00,000/-,, issued by accused is stated to have been dishonoured. The learned counsel for revisionist states that the blank cheque given by revisionist to one Khem Singh has been misused. However, this is not to be considered as the prayer has been confined to quantum of sentence only.

Custody certificate dated 1.9.2017 filed in Court today and same is taken on record. As per the custody certificate, revisionist has already undergone actual sentence of 8 months and 15 days inclusive of remission of one month. Revisionist is not a previous convict.

Considering all the facts and circumstances, the sentence of rigorous imprisonment for one year, awarded under Section 138 of the Negotiable Instruments Act, 1881, is reduced to rigorous imprisonment for nine months.

With the abovenoted modification, revision is dismissed.

(KULDIP SINGH)
JUDGE

7.9.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No