

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

**CRR No.2772 of 2017 (O&M)
Date of decision : September 14, 2017**

Balwant Singh

..... Petitioner

Versus

Sukhwinder Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Amrit Grewal, Advocate for the petitioner.

Mr. M.S. Dua, Advocate for respondent No.1-complainant.

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)

Petitioner was convicted by the learned Judicial Magistrate 1st Class, Fazilka for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for one year and also ordered to pay compensation to the tune of ₹1,65,000/- to the complainant within two months, in view of the provisions under Section 357(3) Cr.P.C., vide judgment of conviction and order of sentence dated 22.09.2015. The appeal filed by the petitioner against his conviction was dismissed by the learned Addl. Sessions Judge, Fazilka, vide judgment dated 24.01.2017.

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

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

A perusal of the custody certificate shows that the petitioner has undergone total sentence of 8 months 17 days including remission of 28 days. The cheque was of ₹1,50,000/-

Considering the entirety of the circumstances, the substantive sentence of simple imprisonment for one year awarded to the petitioner is reduced to the period already undergone by him. However, the remaining part of the sentence shall remain intact.

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

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

(KULDIP SINGH)
JUDGE

September 14, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No