

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

1. **CRR No.2773 of 2017 (O&M)**
Date of decision : September 12, 2017

Smt. Anita **..... Petitioner**

Versus

The State of Haryana and another **..... Respondents**

2. **CRR No.2776 of 2017 (O&M)**
Date of decision : September 12, 2017

Smt. Anita **..... Petitioner**

Versus

The State of Haryana and another **..... Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Surinder Gandhi, Advocate for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

Mr. Saurabh Dlal, 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 ?

KULDIP SINGH J. (ORAL)

This order of mine shall dispose of two criminal revision petitions bearing CRR Nos.2773 and 2776 of 2017, arising out of the same issue.

It comes out from the judgments of two courts below that the complainant had advanced a sum of ₹5,00,000/- to the petitioner in July, 2013 for the marriage of his daughter and other household expenses. The petitioner-accused issued two cheques bearing Nos.411791, dated 01.07.2015, amounting to ₹3,00,000/- and 411792, dated 09.07.2015, amounting to ₹2,00,000/-. Both the cheques were dishonoured on presentation with remarks 'Account Closed' for which separate complaints

were filed and tried and were decided by separate judgments of the same date i.e. 23.01.2017 by the learned Judicial Magistrate 1st Class, Rohtak. The petitioner was convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for six months vide order of sentence dated 24.01.2017 in both the complaints.

Custody certificate of the petitioner has been filed in CRR No.2773 of 2017 and the same is taken on record. It shows that the petitioner has undergone actual sentence of 3 months, 4 days in one case including remission, whereas the sentence awarded in the other case is yet to commence.

Learned counsel for the petitioner presses for leniency in the sentence awarded to the petitioner.

Considering the fact that for a total sum of Rs.5,00,000/-, the sentence of simple imprisonment for six months cannot be called excessive.

The prayer of the learned counsel for the petitioner is concurrent running of the sentence awarded in both the complaints.

Since, it was one loan transaction and two cheques were issued for repayment of the same, for which separate complaints were filed, therefore, both the revision petitions are partly allowed to the extent that the sentence awarded to the petitioner in both the cases i.e. complaint Nos.525 and 526 of 2015 by the learned Judicial Magistrate 1st Class, Rohtak as affirmed by the lower appellate court, shall run concurrently.

(KULDIP SINGH)
JUDGE

September 12, 2017

sarita

Whether speaking / reasoned Yes Whether Reportable: No