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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 287 of 2017 (O/M)
Date of decision : 12.12.2017

Dr. Rishi Raj Pal Singh

..... Revisionist

Versus

Bhagwana deceased through LRs

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- None for revisionist.

Mr. N.S. Shekhawat, Advocate, for LRs of respondent.

Mr. R.K. Makkad, DAG Haryana.

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 ?

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KULDIP SINGH J. (ORAL)

Heard.

The learned State counsel states that revisionist is changing his location, and has switched off his phone and is not traceable. Therefore, he could not be traced out. The efforts are on to arrest him.

Since today again, none has appeared for revisionist, this Court has proceeded to consider the case of revisionist on merits and dispose of same.

Revisionist has been convicted under Section 138 of the Negotiable Instruments Act, 1881, and was sentenced to undergo rigorous imprisonment for one year in addition to compensation to complainant, equal to cheque amount i.e. Rs. 50,00,000/-, vide judgment of conviction dated 10.12.2014 and order of sentence dated 11.12.2014, passed by the learned Judicial Magistrate 1st Class, Gurgaon. The judgment was upheld

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by the lower appellate Court, vide judgment dated 11.1.2017.

The perusal of judgments shows that cheque issued by revisionist was dishonoured due to insufficient funds. The lower Court has examined the evidence and the stand taken by revisionist-accused in statement under Section 313 Cr.P.C.. In the said statement, he admitted that he wanted to purchase land from complainants, but stated that he had issued blank signed security cheque. He claims that complainants have sold the property to someone else and misused the cheque. However, the stand was discarded by both the Courts below.

After going through the judgments of the Courts below, I am of the view that there are concurrent findings recorded by both the Courts below, supported by reasoning. There is no ground to interfere in same. Hence, revision is dismissed. Let revisionist be rearrested and committed to jail to undergo the remaining part of sentence.

(KULDIP SINGH)
JUDGE

12.12.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No