

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

CRR No. 296 of 2017 (O&M)
Date of Decision: 11.09.2017

JASVIR SINGH

...Revisionist

VS.

M/s. ROSHAN LAL SANJIV KUMAR AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Paramjit Singh Jammu, Advocate,
for the revisionist.

Mr. J.S. Gill, Advocate,
for respondent No. 1.

Mr. R.K. Makkad, DAG, Haryana.

KULDIP SINGH, J. (ORAL)

The revisionist, Jasvir Singh, in the present criminal revision was convicted by the learned Judicial Magistrate Ist Class, Dabwali vide judgment of conviction and order of sentence dated 25.10.2012, under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹4,00,000/- as compensation to the complainant. It is alleged that the revisionist had issued a cheque of ₹3,00,000/- to his commission agent which was dishonoured. The appeal against the said judgment has been dismissed by the learned Additional Sessions Judge, Sirsa vide order dated 13.01.2017.

Learned counsel for the revisionist presses the present revision only on the point of quantum of sentence.

According to the custody certificate dated 09.09.2017, filed in the Court today, it comes out that the revisionist has undergone total sentence of 09 months and 14 days including remissions. There is neither any previous

conviction against the revisionist and nor any other case is pending against him. This fact goes to show that the revisionist is the first offender.

Keeping in view the facts that it was a dispute between the farmer and the commission agent and revisionist is convicted for the first time for which sufficient period of sentence has already been undergone by him, the sentence of rigorous imprisonment for one year awarded to the revisionist under Section 138 of the Negotiable Instruments Act, 1881, is ordered to be reduced to the period already undergone by him. The amount of compensation i.e ₹4,00,000/- imposed upon the revisionist is also ordered to be reduced to ₹3,00,000/- i.e. equivalent to the cheque amount. The revisionist, Jasvir Singh, be released forthwith, if not required in any other case.

With this modification in the quantum of sentence of the revisionist as indicated herein above, the present revision petition stands dismissed.

September 11, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

<i>Whether speaking / reasoned</i>	:	☒	<i>Yes</i>	/	☐	<i>No</i>
<i>Whether Reportable</i>	:	☐	<i>Yes</i>	/	☒	<i>No</i>