

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

**CRR-300-2017 (O&M)  
Date of Decision: May 15, 2017**

Sunil Kumar

.....PETITIONER(s).

**VERSUS**

Davinder Kumar Gupta

.....RESPONDENT(s).

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr.Kamal Narula, Advocate  
for the petitioner.

Mr.N.S.Sodhi, Advocate  
for the respondent.

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**SURINDER GUPTA, J.(Oral)**

Heard.

Learned counsel for the petitioner submits that the petitioner is 33 years of age and is not a previous convict. The cheque amount which was allegedly dishonoured was ₹ 1.30 lacs and the courts below have awarded sentence of one year and six months to the petitioner which is on higher side. The petitioner has undergone imprisonment of about one year and seeks reduction of sentence awarded to the petitioner.

The allegation of the complainant is that the petitioner issued him a cheque of ₹ 1.30 lacs which on presentation to bank, got dishonoured. The trial court while awarding sentence to the petitioner had also allowed the complainant compensation equal to the amount of the cheque with

interest @ 9% from the date of issuance of cheque till the date of judgment, i.e., 11.9.2015.

Keeping in view the nature of the offence, age and antecedents of the petitioner, I find it to be a fit case for take a lenient view and reduce the sentence awarded to the petitioner.

Accordingly, this petition is partly allowed. Conviction of the petitioner recorded by the courts below for offence punishable under Section 138 of the Negotiable Instruments Act is upheld. However, rigorous imprisonment of one year and six months awarded to the petitioner is reduced to rigorous imprisonment of one year. Remaining sentence is maintained.

A copy of this order be sent to the Superintendent, Central Jail, Jalandhar for necessary action.

( SURINDER GUPTA )  
JUDGE

May 15, 2017  
Paritosh Kumar

***Whether speaking/reasoned:*** ***Yes/No***

***Whether Reportable:*** ***Yes/No***