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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. 28161 of 2017 in/and
CRR No. 3166 of 2017 (O/M)
Date of decision : 7.9.2017

Manohar Lal

..... Revisionist

Versus

Kalu Ram and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mrs. Himani Kapila, Advocate, for applicant-revisionist.

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)

CRM-28161-2017

There is 120 days delay in filing the accompanying revision.

For the reasons mentioned in the application, the delay of 120 days in filing the accompanying the revision is condoned.

Application is disposed of.

Main case

The learned counsel for revisionist presses the revision only on the quantum of sentence.

Heard.

A cheque for Rs. 25,000/-, issued by revisionist, was dishonoured and, therefore, he was convicted by the learned Sub Divisional Judicial Magistrate, Guruhar Sahai, under Section 138 of the Negotiable Instruments Act, 1881, and was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs. 1,000/-, in default thereof, to further

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undergo rigorous imprisonment for one month, vide judgment of conviction and order of sentence dated 14.5.2015. The appeal against the same was dismissed by the learned Additional Sessions Judge, Ferozepur, vide judgment dated 6.2.2017.

Considering the amount of cheque, without issuing notice to complainant-respondent No. 1 as well as the State, the substantive sentence, awarded under Section 138 of the Negotiable Instruments Act, 1881, is reduced from rigorous imprisonment for 1 year to rigorous imprisonment for 6 months . If revisionist has not undergone said sentence, he be re-arrested and committed to jail to undergo the sentence of six months, modified by this Court. However, if revisionist is in jail and has completed the sentence of six months, modified by this Court, he be released forthwith, if not required in any other case.

With the abovenoted modification, present revision is dismissed.

(KULDIP SINGH)
JUDGE

7.9.2017
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No