

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

**CRR No.3391 of 2017 (O&M)
Date of decision : December 01, 2017**

Gurbachan Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gaurav Saini, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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)

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record.

Heard.

The present petition was pressed only on the point of quantum of sentence.

The petitioner issued a cheque bearing No.784121, dated 15.05.2013 for a sum of ₹4,50,000/-, which on presentation to the bank was dishonoured with the remarks "Funds Insufficient". The petitioner has been convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for 1 year and to pay compensation of ₹5,25,000/- to the complainant, in default thereof to undergo further rigorous imprisonment for three months by the learned Judicial Magistrate 1st Class, Amritsar, vide judgment of conviction and order of sentence dated 03.06.2016. In appeal the learned Addl. Sessions Judge, Amritsar, vide judgment dated 14.02.2017

upheld the conviction and sentence of the petitioner.

As per custody certificate, the petitioner has already undergone total sentence of 11 months and 1 day including remission of 1 month and 2 days.

Keeping in view the fact that the petitioner has not paid a single penny to the complainant, there is no ground to reduce the sentence awarded to the petitioner by both the courts below.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

December 01, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No