

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

**CRR No.3402 of 2017 (O&M)
Date of decision : November 29, 2017**

Gurmej Singh

..... Petitioner

Versus

The Kapurthala Central Co-operative Bank Ltd and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vivek K. Thakur, 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)

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

Custody certificate dated 28.11.2017 of the petitioner has been filed in the Court today and the same is taken on record. It shows that the petitioner has already undergone total sentence of 3 months, 6 days including remission of 8 days.

The petitioner was 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 a fine of ₹5,000/-, in default of payment of fine to undergo further imprisonment for three months by the learned Judicial Magistrate 1st Class, Kapurthala, vide judgment of conviction and order of sentence dated 02.08.2014. In appeal, vide judgment dated 31.08.2017, the learned Addl. Sessions Judge,

Kapurthala upheld the conviction and sentence of the petitioner.

The petitioner issued a cheque bearing No.1011681, dated 22.06.2012, for ₹3,23,538/- in favour of the complainant-bank, which was dishonoured for want of sufficient funds. The petitioner has not repaid any thing out of the cheque amount.

It is contended that the petitioner is a poor farmer and due to financial hardship he became defaulter.

Considering the entirety of the facts and circumstances, the substantive sentence of rigorous imprisonment for 1 year awarded to the petitioner is reduced to rigorous imprisonment for 9 months. However, the remaining part of the sentence is maintained.

With the abovenoted modification in the sentence of imprisonment, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

November 29, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No