

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

**CRR No.3445 of 2017 (O&M)
Date of decision : November 17, 2017**

Chiman Singh

..... Petitioner

Versus

Mukhtiar Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Parvesh Sachdeva, Advocate for the petitioner.

Mr. Gursharan Singh, Advocate for respondent No.1.

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 dated 16.11.2017 filed in the Court today is taken on record.

The present petitioner was convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo imprisonment for two years and to pay a fine of ₹10,000/-, in default thereof to undergo further imprisonment for one month, vide judgment of conviction and order of sentence dated 28.03.2016 passed by the learned Sub Divisional Judicial Magistrate, Jalalabad(W). However, in appeal, learned Addl. Sessions Judge, Fazilka, vide judgment dated 24.08.2017, reduced the substantive sentence to simple imprisonment for one year.

Heard.

The present petition is pressed only on quantum of sentence.

Learned counsel for the petitioner contends that the petitioner does not have sufficient funds to pay the cheque amount of ₹2,50,000/-.

In this case, no compensation was awarded by both the courts below. The amount involved is of ₹2,50,000/-, for which the cheque was issued on 10.12.2012. The petitioner is using the said amount since the said day. Therefore, there is no ground to reduce the sentence awarded to the petitioner.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

November 17, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No