

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 2612 of 2016 (O&M)

Date of decision : 14.2.2018

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M/s Amba Poly Plast Ltd. through
its duly authorized Director Manoj Singla

.....Petitioner

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Krishan M. Vohra, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Ashok Giri, Advocate for respondent No.2.

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H. S. Madaan, J. (Oral)

On a complaint under Section 138 of the Negotiable Instruments Act, having been brought by complainant M/s Amba Poly Plast Limited through its authorized Director Manoj Singla, against accused M/s Singh Nirman Store through its Proprietor Manoj Kumar in the Court of Chief Judicial Magistrate, Panchkula, after recording of preliminary evidence, the accused was summoned, the accused put in appearance and was granted bail, notice of accusation under Section 138 of the Negotiable Instruments Act was

served upon the accused.

Thereafter on conclusion of trial, vide detailed judgment dated 24.9.2015 the accused was convicted for offence under section 138 of the Negotiable Instruments Act and vide order dated 30.9.2015, the accused was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 1 lac, out of which a sum of Rs. 95,000/- was ordered to be paid as compensation to the complainant.

The accused felt dissatisfied with the judgment of his conviction and order of sentence and he filed an appeal before the Court of Sessions, which was heard and accepted partly vide judgment dated 16.3.2016 in terms of which the conviction was upheld, whereas sentence was modified to the extent that accused appellant was sentenced to undergo imprisonment till rising of the Court, whereas fine was enhanced to Rs. 1.30 lacs, out of which Rs.1.20 lacs was directed to be paid to the complainant as compensation. It was clarified that if fine was not deposited within 15 days of the judgment in the trial Court, the appeal would stand dismissed in toto and the sentence awarded by the trial Court would be executed as it is alongwith all its terms and conditions. The appellant-accused had paid that amount to complainant Manoj Singla, as is evident from the order dated 30.3.2016.

However, the complainant is still aggrieved and he has approached this Court by way of filing the present revision petition though belatedly by 14 days and an application under Section 5 of the Limitation Act, for condonation of delay has been filed for the reason

that delay was not intentional or willful but due to the objections raised by the Registry of this Court.

This application is being opposed by the respondents.

The reason given in the application does not appear to be very plausible and convincing which might have called for condonation of delay. Therefore, the revision petition deserves to be dismissed being time barred. However on merits also, the revision petitioner does not have any case.

In addition to the payment of cheque amount of Rs.65,000/-, learned Sessions Judge had directed payment of Rs.1.20 lacs as compensation to the complainant, which is quite sufficient. The complainant is feeling aggrieved unnecessarily by filing the present criminal revision petition, which lacks merit. There is no illegality or infirmity in the impugned judgment passed by the learned Sessions Judge, Panchkula. The same is upheld. The criminal revision petition lacks merit and is dismissed accordingly.

14.2.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No