

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

Hemlata
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CRR-3034-2016(O&M)

Date of decision: 02.05.2018

Kewal Krishan

...Petitioner

Versus

Vijay Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Angraze Singh Dhindsa, Advocate
for the petitioner.

Mr. Atul Goyal, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the judgment of conviction and order of sentence dated 21.07.2012 passed by the trial Court vide which the petitioner was held guilty of offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/- and in default of making payment of fine, to further undergo rigorous imprisonment for a period of one month as well as the judgment dated 20.08.2016, vide which the appeal filed by the petitioner was dismissed.

While issuing notice of motion on 29.08.2016, the sentence of the petitioner was suspended with a direction that the petitioner will deposit a sum of Rs.1,00,000/- in the Court by way of bank draft in the name of the complainant and will pay the remaining amount of Rs.1,00,000/- in the shape of bank draft by 15.10.2016.

Learned counsel for the respondent/complainant has acknowledged that the complainant has received the entire cheque amount

and has no objection, if the sentence awarded to be petitioner is reduced to already undergone by him.

Since, it is not disputed that the petitioner has paid the entire cheque amount to the respondent, the present revision is partly allowed. The judgment of conviction and order of sentence dated 21.07.2012 is upheld and sentence awarded to the petitioner i.e. 01 year rigorous imprisonment, is reduced to the period of 20 days, already undergone by the petitioner. Since the petitioner is on bail, his bail/surety bonds shall stand discharged.

With the aforesaid modification, the present petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

02.05.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No