

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2447-2017 (O&M)

Date of Decision:- 14.8.2018

Sandeep alias Kala

... Petitioner

Versus

Anil

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanhiya Soni, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana with
Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Rahul Makkar, Advocate, for the respondent.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this revision petition, petitioner Sandeep alias Kala assails judgment dated 24.5.2017 passed by learned Additional Sessions Judge, Rohtak whereby while upholding the conviction under Section 138 of Negotiable Instruments Act, 1881, as recorded by learned Judicial Magistrate 1st Class, Rohtak, the sentence as imposed by the learned Magistrate of simple imprisonment for six months has been enhanced to rigorous imprisonment for one year apart from awarding compensation to the tune of ₹3 lacs.

Having heard the learned counsel for the petitioner and having perused the impugned judgments, I do not find any infirmity in the concurrent findings of the conviction, as recorded by the Courts below pertaining to the conviction of the petitioner and consequently, the conviction of the petitioner is upheld.

As regards the sentence, I find that while the learned Magistrate had imposed sentence of simple imprisonment for 6 months, the same was

enhanced by the learned Additional Sessions Judge to rigorous imprisonment for one year.

It needs to be noticed that in fact the petitioner was facing trial in respect of two identical complaints filed at the instance of Anil. While the present complaint was pertaining to dishonour of a cheque for an amount of ₹3 lacs the other complaint pertained to dishonour of cheque for an amount of ₹2.4 lacs. In both the complaints, petitioner has been sentenced to undergo rigorous imprisonment of one year by learned Additional Sessions Judge. In the other case bearing No.CRR-2453-2017, petitioner has already undergone the entire sentence of one year, while in the present case he has undergone the total sentence of 5 months and 16 days out of the imposed total sentence of one year.

Bearing in mind the fact that the petitioner has already undergone a total sentence of one year and 5 months in both cases, in my opinion, a case is made out for reduction of sentence. Accordingly, the sentence as imposed by learned Additional Sessions Judge, Rohtak is modified and is reduced from one year to 9 months. The compensation as awarded shall however remain same.

In view of the above, the revision petition is hereby dismissed with the aforesaid modification in sentence.

August 14, 2018

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No