

CRR No.1623 of 2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1623 of 2018 (O&M)
Date of decision: 06.07.2018.

Mahavir Engineering Works through its Proprietor Mahavir Prasad and
another

...Petitioners

Versus

Rakesh

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rakesh Dhiman, Advocate for the petitioners.

RAMENDRA JAIN, J. (ORAL)

None has appeared on behalf of the respondent despite service.

Therefore, he is proceeded ex parte.

This revision is directed against judgment dated 15.02.2018 passed by Additional Sessions Judge, Gurugram, dismissing the appeal of the petitioners whereby challenge was laid to the judgment dated 05.10.2016 and order dated 06.10.2016 passed by Judicial Magistrate 1st Class, Gurugram convicting petitioner No.2 under Section 138 of the Negotiable Instruments Act and sentencing him in the following terms: -

“To undergo imprisonment for one year and to pay compensation of Rs.6,50,000/-. In default of payment of fine, to further undergo simple imprisonment for a period of six months”

While issuing notice of motion, this Court passed the following order on 14.05.2018: -

“Notice of motion on the quantum of sentence, for 06.07.2018. Dasti as well. Records of the Courts below be requisitioned before the next date of hearing.”

Learned counsel for the petitioners contends that petitioner No.2 is aged around 50 years. He has undergone the agony of protracted trial for

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five years. He is the only bread earner of his family and has already undergone the actual sentence of about five months. Therefore, considering the aforesaid mitigating circumstances, the sentence awarded to petitioner No.2 may be reduced to the period already undergone by him.

Heard.

From the record, it has been proved that the petitioners issued cheque of Rs.5,00,000/- in favour of the complainant to discharge his legal liabilities. The cheque got dishonoured and ultimately the complainant filed a complaint against the petitioners. Both the courts below have returned a concurrent finding that the petitioners have issued the cheque in question in discharge of their liability. So, the judgment of conviction is upheld.

As regards the quantum of sentence, this Court feels that the petitioner has been awarded sentence as per the law. The cheque is for Rs.5,00,000/-. Therefore, keeping in view the amount involved, the punishment of one year is not on the higher side. Thus, no interference is warranted in the matter of sentence as well.

Consequently, the present revision petition is dismissed. Both the impugned judgments and orders are upheld.

(RAMENDRA JAIN)
JUDGE

July 06, 2018
Ishwar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No