

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRR No.2411 of 2018

Date of Decision: August 06, 2018

Karamjit Singh

....Petitioner(s)

versus

The Rampura Phul Primary Co-operative  
Agriculture Development Bank Ltd. and anr.

.....Respondent(s)

**CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL**

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Present: Mr. Inderjit Sharma, Advocate for the petitioner.

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**Sudhir Mittal, J. (Oral)**

The present petition is directed against the judgment of conviction and order of sentence dated 05.07.2016, passed by the Court of Judicial Magistrate Ist Class, Phul and judgment dated 30.04.2018, whereby appeal against the aforementioned judgment and order has been dismissed by the Additional Sessions Judge, Bathinda.

2. The petitioner is the accused in a complaint filed by the respondent-Bank, under section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as 'the Act'), in which he has been convicted and sentenced to undergo RI for a period of one year and fine of Rs.1,000/-, in default of payment of which, to further undergo SI for thirty days.

3. Learned counsel for the petitioner submits that the conviction is illegal for the reason that the cheque number and amount of the cheque, mentioned in the legal notice, is different from the cheque produced and proved on record. He relies

upon the order passed in Criminal Misc. Application No.656 of 2007 titled as Gurnam Singh Vs. Prabh Dayal Saini, reported in 2008(4) RCR(Criminal) 972.

4. Legal proposition is not in dispute. However, judgment of the learned Additional Sessions Judge, Bathinda, shows that the amount of the cheque and the number thereof, were correctly mentioned in the heading of the legal notice, whereas, in the body, a different number and different amount, has been mentioned.

5. Thus, the finding is that mentioning of different amount and the different cheque number in the body of the legal notice, appears to be clerical error and the same cannot vitiate the complaint.

6. In view of the above, there is no merit in the present petition and the same is accordingly dismissed.

August 06, 2018

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**[SUDHIR MITTAL]**

**JUDGE**

Whether speaking/reasoned :

Yes

Whether Reportable :

No