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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 549/2003

ATTAM PRAKASH

..... Appellant

Through: Mr.Sumeet Verma and Ms.Preeti  
Jakhar, Advs.

versus

RAM KISHAN

..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

% **19.05.2018**

This appeal has been filed by the Appellant challenging the order dated 02.04.2003 passed by the Additional Sessions Judge, Delhi in Complaint Case No.480/2003, convicting the Appellant for the offence under Section 138 of the Negotiable Instrument Act, 1881 (NI Act) and the order dated 07.04.2003 awarding the punishment of imprisonment for nine months and also fine of Rs.1,38,000/-, in default of payment of the fine a further imprisonment for a period of six months on the appellant.

The case of the prosecution is based on the dishonour of cheque bearing no.300979 dated 12.04.1997 for an amount of Rs.1,38,000/- drawn on Canara Bank, Uttam Nagar, New Delhi. The Trial Court having considered the evidence led before it, has in my opinion rightly so, convicted the Appellant for the offence under Section 138 of the NI Act.

As far as the sentence is concerned, there is no allegation of any prior conviction or of involvement of the Appellant. Taking an overall view of

the matter, I reduce the sentence awarded to the Appellant to six months imprisonment, while maintaining the fine imposed upon him. In default of the payment of fine, the Appellant will undergo imprisonment for a further period of two and a half months.

The Nominal Roll of the Appellant as on 07.11.2003 shows that the Appellant has undergone imprisonment of seven months and has earned remission of one month and fifteen days. His sentence was suspended vide order dated 17.11.2003.

In view of the above, the Appellant has already undergone the punishment awarded.

The appeal is partially allowed in the above terms.

**NAVIN CHAWLA, J**

**MAY 19, 2018/Arya**