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

Date of Decision: August 30, 2019.

(1) CRR No.254 of 2019 (O&M)

Vijay Chandila		 Petitioner.
	Versus	
Rampal		 Respondent.

(2) CRR No.294 of 2019 (O&M)

Vijay Chandila		 Petitioner.
	Versus	
Rampal		 Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Argued by: Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. S.K. Tripathi, Advocate,
for the respondent.

Shekher Dhawan, J.

The above mentioned two revision petitions (CRR No.254 and 294 of 2019) are directed against the judgments dated 03.10.2018, whereby learned Additional Sessions Judge, Faridabad, affirmed the judgments of conviction dated 23.01.2018 and order of sentence dated 02.02.2018 passed by learned Judicial Magistrate Ist Class, Faridabad in Complaint Case Nos.3321 and 1656 of 2015, whereby the petitioner was convicted for commission of offence punishable under Section 138 of the Negotiable Instruments Act (for short, 'the Act') and was sentenced as under:-

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CRR No.	Complaint Case No.	Sentence awarded	Compensation awarded
254 of 2019	3321 of 2015	Simple Imprisonment for six months	Rs.15,00,000/-
294 of 2019	1656 of 2015	Simple Imprisonment for six months	Rs.9,00,000/-

2. With the consent of both the parties, both the aforementioned petitions are taken up together for disposal as common question of law and facts is involved thereunder.

3. At the time of arguments, learned counsel representing the petitioner contended that he does not challenge the judgments of conviction and orders of sentence passed by learned Judicial Magistrate Ist Class, Faridabad and the judgments passed in appeals as well, but his short grievance and prayer is that the petitioner is involved in above titled three complaints having been instituted by the same complainant, namely, Rampal and the petitioner has been convicted in both the above mentioned complaints under Section 138 of the Act and has been ordered to pay compensation as per table given above. Both the complaints pertain to the single transaction so, the sentence awarded in both the complaints cases be ordered to run concurrently. On this point, reliance has been placed on the judgment dated 16.05.2017 passed by Co-ordinate Bench of this Court in **Ravi Kant Gulati Vs. Qasimuddin, CRR No.3685 of 2016.**

4. Learned counsel for the respondent contended that there are no ground for ordering the sentence awarded in both the complaints cases concurrent.

5. Having considered the submissions made by learned counsel

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for the parties and appraisal of record, this Court is of the considered view that learned trial Judge has already appreciated the evidence in its perspective manner and the said findings were rightly affirmed by learned Appellate Court. More so, the learned counsel for the petitioner does not challenge the judgments of conviction in both the revision petitions. No interference is called for in the findings recorded by learned trial Judge and both the criminal revision petitions stand dismissed.

6. As regard to the prayer made by learned counsel for the petitioner that the sentence awarded to the petitioner in both the complaint cases be ordered to run concurrently quantum of sentence, this Court is certainly inclined to accept the said prayer in view of the law laid down by Hon'ble Apex Court in **V.K. Bansal Versus State of Haryana and another, (2013) 7 SCC 211**, wherein while dealing with matter under Negotiable Instruments Act, 1881, it was observed that the Courts should exercise discretion to direct sentences to run concurrently judicially and only substantive sentences can be directed to run concurrently and sentences awarded in default of payment of fine/compensation cannot be directed to run concurrent.

In view of the above, it is ordered that the sentence awarded to the petitioner in both the complaint case Nos.3321 and 1656 of 2015 shall run concurrently and the order regarding compensation awarded by the Court below shall remain the same.

(SHEKHER DHAWAN)
JUDGE

August 30, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes