

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

**CRR No. 662 of 2019 (O&M)
DATE OF DECISION:-18.03.2019**

RUPINDER SINGH

...PETITIONER...

V.

STATE OF PUNJAB AND ANR.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rehat Bir Singh Mann, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision challenge has been laid to judgment dated 19.01.2019 of the appellate court, dismissing the appeal of the petitioner, thereby upholding the judgment of conviction dated 28.09.2017 and partly allowing order of sentence dated 28.09.2017, whereby the petitioner was held guilty under Section 138 of the Negotiable Instruments Act, 1881 (for short, "Act") and sentenced to undergo rigorous imprisonment for 2 years with fine of ₹4000. In default of payment of fine, to further undergo simple imprisonment for 20 days. The appellate court reduced the period of sentence awarded by the trial court from 2 years to 1 year rigorous imprisonment.

Briefly, the petitioner was booked, tried and convicted by the trial court in complaint under Section 138 of the Act in the manner as narrated above, on the allegations that the cheque bearing No.716122

dated 15.05.2015 for ₹4,34,000/- issued by the petitioner in favour of the complainant-Bank to discharge his liability of loan taken by him from the complainant, on presentation had returned unpaid with the remarks "funds insufficient".

Being aggrieved, petitioner approached the first appellate court, but remained unsuccessful, as his appeal too, was dismissed vide judgment dated 19.01.2019, thereby, reducing the sentence from 2 years to 1 year rigorous imprisonment.

Learned counsel contends that both the courts below have failed to appreciate that petitioner is a small farmer and the cheque in question was given to complainant-Bank as security and not to discharge his legal liability. Two installments were already paid by the petitioner.

Having given thoughtful consideration to the submissions of learned counsel for the petitioner, this Court finds the instant revision completely devoid of any merit for the reasons to follow:-

1. No question of law much less substantial has been raised in this revision.

2. This Court, being revisional court has a very limited jurisdiction, which can only be exercised on 3 following infirmities:- (i) if the courts below have exceeded their jurisdiction; (ii) have exercised their jurisdiction illegally and; (iii) have not exercised their jurisdiction diligently.

3. Learned counsel for the petitioner has not been able to

point out any of such infirmities in the judgments of both the courts below.

4. Respondent-complainant is a cooperative society from whom, petitioner had obtained loan and in discharging his legal liability had issued the cheque in question, which on, presentation, bounced.

I have gone through judgments of both the courts below. They are well reasoned, being based on appreciation of evidence and thus, do not require any interference.

Dismissed.

18.03.2019
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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No