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CRR-946-2019 (O&M)

DATE OF DECISION:30.04.2019

ASHA GROVER AND ANOTHER

... Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Deepak Vasishth, Advocate for the petitioner(s).

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. N.K. Vasishth, complainant in person.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments of the Courts below whereby she has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for a period of six months. She has also been asked to pay compensation to the tune of Rs. 6 lakh.

Learned counsel for the petitioner contends that the allegations against the petitioner are that she had issued a cheque for an amount of Rs.4 lakh on 01.04.2015 in favour of the complainant which was dishonoured due to insufficient funds. He further submits that he does not challenge the conviction of the petitioner and would confine his arguments to the quantum of sentence only. The petitioner has undergone 02 months out of the total sentence of 06 months and the matter has been compromised as an amount of Rs.5 lakh has been paid to the complainant towards full and final settlement of the dispute.

The complainant/respondent No.2, who is present in person, states that the matter has indeed been compromised and the amount in terms of compromise has already been paid.

I have heard learned counsel for the parties.

The cheque was issued in the year 2015. The petitioner has faced criminal proceedings since then and the matter has now been compromised to the satisfaction of the complainant/respondent. She has undergone an actual sentence of 02 months out of the total sentence of 06 months.

Therefore, while the conviction of the petitioner under Section 138 of Negotiable Instruments Act is maintained, the sentence qua imprisonment of the petitioner is reduced to the period already undergone by him.

With the above modification in the sentence, the revision petition stands disposed of accordingly.

30.4.2019

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No