

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.628 of 2007

Date of Decision : 22.04.2019

Jarnail Singh

...Petitioner

Versus

Rajinder Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. A.S. Khinda, Advocate
for the petitioner.

Mr. D.S. Nigha, Advocate
for respondent No.1.

Ms. Ruchika Sabharwal, AAG, Punjab
for respondent No.2.

Anupinder Singh Grewal, J.(Oral)

The petitioner has challenged the orders of the Courts below whereby he has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to undergo rigorous imprisonment for one year and fine of Rs.5000/- and in default of payment of fine, to further undergo rigorous imprisonment for two months.

Learned counsel for the petitioner contends that the allegations against the petitioner are that the cheque issued by the petitioner for an amount of Rs.50,000/- on 30.10.2004 in favour of the complainant was dishonoured due to insufficient funds. Learned counsel for the petitioner 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 01 month and 19 days out of total sentence and the matter has been compromised, as the cheque amount has been paid by the

petitioner towards full and final settlement of the dispute.

Learned counsel for respondent No.1 states that the matter has indeed been compromised and the amount in terms of compromise has already been received by the complainant.

I have heard learned counsel for the parties.

The cheque was issued in the year 2004. The petitioner has faced protracted criminal proceedings and the matter has now been resolved to the satisfaction of the respondent. He has undergone actual sentence of 01 year, 19 days as per the custody certificate furnished by learned State counsel.

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 under gone by him.

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

April 22, 2019

rekha sharma

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? *Yes*

Whether reportable? *No*