

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

CRR-281-2009

Date of Decision:30.09.2019

Harbhajan Singh

...Petitioner

Versus

Rajiv Nandra

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gopal Soni, Advocate for the petitioner.

ANIL KSHETARPAL, J.

The petitioner is in the revision petition against the judgment of conviction by the learned Judicial Magistrate 1st Class, convicting the petitioner under Section 138 of the Negotiable Instrument Act, 1881 and sentencing him to rigorous imprisonment for a period of 1 year and to pay a fine of Rs.5,000/- and in default of payment of fine, to undergo further rigorous imprisonment for a period of one month.

The appeal filed by the petitioner was dismissed by the learned Sessions Judge. When the revision petition came up for hearing on 03.02.2009, the petitioner had offered to pay the cheque amount. It was also contended that in fact when the notice demanding the amount was issued, he had sent the draft along with reply to the demand notice.

It is not disputed that the aforesaid reply dated 12.03.2005 to the legal notice sent by the complainant was not produced before the courts below. Not a single penny has been paid by the petitioner to the complainant.

Today again, an opportunity was given to the petitioner to pay

the amount. However, he submitted that petitioner can only pay the cheque amount. The cheque is dated 31.01.2005, hence, 14 years have elapsed.

Keeping in view the aforesaid facts, at this stage the petitioner cannot be permitted to wriggle out the conviction by offering to pay only the cheque amount.

In view thereof, there is no ground to interfere.

Dismissed.

30.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No