

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-44057 of 2018
Date of Decision: September 30, 2019.

Harcharan Singh

.....Petitioner

versus

Naresh Kumar and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Suresh Kumar Kaushik, Advocate, for the petitioner.
Mr.Manoj Kumar Pundir, Advocate, for respondent No.2.

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Anil Kshetarpal, J. (Oral)

Petitioner was convicted under Section 138 of the Negotiable Instruments Act and sentenced as under:-

“In the light of discussion above, convict is sentenced to undergo rigorous imprisonment for a period of six months for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and further to pay compensation to the tune of Rs.3,00,000/- (three lakhs) in terms of Section 357 (3) Cr.P.C. to the complainant within two months from today. In default of payment of compensation within the above said period, convict shall further undergo rigorous imprisonment for three months as per law laid down by Hon'ble Supreme Court of India in Hari Singh versus Sukhbir Singh, 1988 (4) SCC 551, in which it was held that the Court may enforce the order with regard to payment of compensation by imposing upon the accused. File be consigned to record room after due compliance.”

The judgment of conviction was affirmed by the learned Court of Sessions vide judgment dated 20.08.2014. Hence, it is clear that the

in terms of Section 357 (3) Cr.P.C., to the complainant.

Learned counsel for the petitioner contends that since the petitioner has already undergone the substantive sentence as well as default sentence, therefore, compensation cannot be recovered.

On the other hand, learned counsel for respondent No.2 has drawn attention of the Court to a judgment passed by the Hon'ble Supreme Court in the case of Kumaran versus State of Kerala and another, 2017 (3) Criminal Court Cases 150.

In view of the aforesaid judgment, there is hardly any scope for interference.

Hence, dismissed.

September 30, 2019

mohinder

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No