

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

**270**

**CRR-4064 of 2017**

**Date of Decision: 17.01.2019**

Puran Singh

....Petitioner.

Versus

State of Punjab and another

....Respondents.

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**CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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**Present:** Mr. Harmanpreet Singh, Advocate for the petitioner.

Mr. Ashok Kumar Singla, Senior Deputy Advocate  
General, Punjab.

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**Shekher Dhawan, J.**

Present petition is for setting aside the judgment dated 21.09.2017 passed by learned Additional Sessions Judge, Ludhiana in Criminal Appeal No.18 dated 28.03.2016 as well as the judgment dated 26.02.2016 passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby the petitioner was convicted for commission of offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to undergo rigorous imprisonment for a period of one and a half year and to pay a fine of Rs.2,000/-. In default of payment of fine, the petitioner was ordered to undergo simple imprisonment for a period of one month.

Learned counsel for the petitioner, at the time of arguments contended that he does not challenge the judgment of conviction dated 26.02.2016 as well as the judgment dated 21.09.2017 of the First Appellate

Court, on merits, but since the petitioner has already undergone actual sentence of 01 year, 05 months and 26 days against awarded sentence of one and a half year and that way he has almost completed his sentence, so he be released from custody and his order of sentence be modified accordingly and the sentence of the petitioner may be ordered to the extent of the period which he has already undergone while remaining in custody during trial and appeal proceedings of the case.

Learned State counsel has affirmed the factum of the sentence of one and a half year and fine of Rs.2,000/- to the petitioner and that the petitioner has already undergone 01 year, 05 months and 26 days by now.

That being so, as the present revision petition is not being challenged on merit, the judgment of conviction dated 26.02.2016 of learned trial Court and the judgment dated 21.09.2017 passed by the First Appellate Court in this case are affirmed.

However, keeping in view of the above facts, this Court is of the considered view that certainly a lenient view on the point of sentence can be taken and as such, the order of sentence dated 26.02.2016 is modified to the extent that the sentence of the petitioner in this case shall be restricted to the period which he has already undergone while remaining in custody in this case.

Resultantly, the present revision petition against judgment of conviction dated 26.02.2016 and the judgment dated 21.09.2017 of the First Appellate Court affirming the aforesaid judgment of conviction stands dismissed. As regard to order of sentence, the same is modified to the extent that the sentence awarded to the petitioner in this case shall be to the extent of the period which he has already spent while remaining in custody during

trial and the pendency of the appeal proceedings of this case. The petitioner be released from custody if not required in any other case.

The revision petition stands disposed of accordingly.

**(SHEKHER DHAWAN)**  
**JUDGE**

**17.01.2019**

*komal*

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No