

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

CRR-4090-2017(O&M)
Date of Decision:-22.5.2019

Anita

... Petitioner

Versus

The Faridabad District Primary Co.Op. Agriculture &
Rural Development Bank Ltd. and Another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

Ms. Shelja Sharma, Advocate for
Mr. Rajesh Lamba, Advocate for respondent No.1/complainant.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court challenging order dated 27.10.2017 passed by Additional Sessions Judge, Faridabad whereby her conviction for offence punishable under Section 138 of the Negotiable Instruments Act, as recorded by the Judicial Magistrate 1st Class, Faridabad has been upheld.

Today, at the very outset, the learned counsel for the petitioner has handed over a draft for an amount of ₹ 24,000/- to the counsel for the complainant and has submitted that he does not assail her conviction and that since the petitioner has already paid the entire compensation amount and that since the counsel for the complainant also does not have any

objection for reducing the sentence, the matter regarding reduction in quantum of sentence may be considered.

The learned counsel appearing for respondent/complainant has expressed that complainant has no objection for reduction in sentence of imprisonment.

I have heard learned counsel for the petitioner and have also perused the impugned judgment.

As far as the findings of conviction are concerned, this Court does not find any infirmity in the findings as recorded by the JMIC, Faridabad and upheld by the Additional Sessions Judge, Faridabad. Further, since the petitioner is a lady and is not stated to be a previous convict and the entire compensation amounting to ₹ 1,59,000/-, which is in fact ₹ 24,000/- in excess of the cheque amount has already been paid as has also been endorsed by the counsel for the complainant, the petition is accepted to the limited extent of reduction of sentence.

Accordingly, while upholding the conviction of petitioner, the sentence of imprisonment is modified and the sentence imposed upon the petitioner Anita is reduced from one year to the one already undergone

The revision petition stands disposed of with aforesaid modification in sentence.

22.5.2019

kamal

Whether speaking /reasoned
Whether Reportable

(Gurvinder Singh Gill)
Judge

Yes / No
Yes / No