

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

CRR-3518-2018 (O&M)

Date of Decision:-10.01.2019

Amit Sharma

... Petitioner

Versus

Charanjit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K. Choudhary, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this revision petition, the petitioner assails judgment dated 06.09.2018 passed by learned Sessions Judge, Pathankot whereby his appeal challenging his conviction as recorded by learned Additional Chief Judicial Magistrate, Pathankot in respect of offence punishable under Section 138 of Negotiable Instruments Act, 1881 has been dismissed.
2. At the time of preliminary hearing, notice of motion had been issued to examine the propriety of quantum of sentence.

3. I have heard learned counsel for the parties and have also perused the impugned order, I do not find any infirmity in the impugned judgment as far as the findings of conviction of the petitioner is concerned and the same are hereby affirmed.
4. As regards the quantum of sentence, a perusal of the custody certificate filed today by the learned State counsel, shows that the petitioner has undergone an actual sentence of 10 months and 08 days out of imposed sentence of 1 year. He has also earned remission to the tune of 1 month and 20 days. Having regard to the period already undergone, the substantive sentence of imprisonment as imposed upon the petitioner is hereby reduced from one year to one already undergone. The revision as such is partly accepted qua sentence. While conviction of petitioner is upheld, the sentence is modified by reducing the same from rigorous imprisonment for 1 year to the period already undergone. The fine imposed upon the petitioner shall remain unaltered.
5. The petitioner be released from the custody, if not required in any other case.

(GURVINDER SINGH GILL)
JUDGE

10.01.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No