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

Date of Decision: May 08, 2019.

(1) CRR No.4801 of 2018 (O&M)

Gaurav Gupta Petitioner.

Versus

Mrs. Damini Pahwa Respondent.

(2) CRR No.50 of 2019 (O&M)

Gaurav GuptaPetitioner.

Versus

Mrs. Damini PahwaRespondent.

(3) CRM-M No.3594 of 2019

Gaurav GuptaPetitioner.

Versus

Mrs. Damini PahwaRespondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Argued by: Mr. J.S. Hooda, Advocate,
for the petitioner.

Mr. Kunal Mutneja, Advocate,
for the respondent.

Shekher Dhawan, J.

The above mentioned two revision petitions (CRR No.4801 of
2018 and CRR No.50 of 2019) are directed against the judgments dated

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25.10.2018, whereby learned Additional Sessions Judge, Faridabad, affirmed the judgments of conviction and order of sentence dated 28.02.2018 passed by learned Judicial Magistrate Ist Class, Faridabad in Complaint Case Nos. RBT-146 RBT-164, vide which the petitioner was convicted for commission of offence punishable under Section 138 of the Negotiable Instruments Act (for short, 'the Act') and was sentenced as under:-

CRR No.	Complaint Case No.	Sentence awarded	Compensation awarded
CRR No. 4801 of 2018	Complaint No.RBT-146	Simple Imprisonment for six months	Rs.11,00,000/-
CRR No. 50 of 2019.	Complaint No.RBT-164	Simple Imprisonment for six months	Rs.37,00,000/-

2. During the pendency of the above-mentioned two revision petitions, the petitioner filed petition (CRM-M No.3594 of 2019) for ordering the sentence to run concurrently in aforementioned two criminal revisions.
3. With the consent of both the parties, all the aforementioned three petitions are taken up together for disposal as common question of law and facts is involved thereunder.
4. At the time of arguments, learned counsel representing the petitioner contended that he does not challenge the judgments of conviction and orders of sentence passed by learned Judicial Magistrate Ist Class, Faridabad and the judgments passed in appeals as well, but his short grievance and prayer is that the petitioner is involved in above titled two complaints having been instituted by the same complainant, namely,

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Mrs. Damini Pahwa and the petitioner has been convicted in both the above mentioned complaints under Section 138 of the Act and has been ordered to pay compensation as per table given above. Both the complaints pertain to the single transaction so, the sentence awarded in both the complaints cases be ordered to run concurrently. On this point, reliance has been placed on the judgment dated 16.05.2017 passed by Co-ordinate Bench of this Court in **Ravi Kant Gulati Vs. Qasimuddin, CRR No.3685 of 2016.**

5. Learned counsel for the respondent contended that there are no ground for ordering the sentence awarded in both the complaints cases concurrent.

6. Having considered the submissions made by learned counsel for the parties and appraisal of record, this Court is of the considered view that learned trial Judge has already appreciated the evidence in its perspective manner and the said findings were rightly affirmed by learned Appellate Court. More so, the learned counsel for the petitioner does not challenge the judgment of conviction in both the revision petitions. No interference is called for in the findings recorded by learned trial Judge and both the criminal revision petitions stand dismissed.

7. As regard to the prayer made by learned counsel for the petitioner that the sentence awarded to the petitioner in both the complaint cases be ordered to run concurrently quantum of sentence, this Court is certainly inclined to accept the said prayer in view of the law laid down by

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Hon'ble Apex Court in **V.K. Bansal Versus State of Haryana and another,**
(2013) 7 SCC 211, wherein while dealing with matter under Negotiable Instruments Act, 1881, it was observed that the Courts should exercise discretion to direct sentences to run concurrently judicially and only substantive sentences can be directed to run concurrently and sentences awarded in default of payment of fine/compensation cannot be directed to run concurrent.

8. In view of the above, Criminal Misc. No. CRM-M-3594-2019 is allowed and it is ordered that the sentence awarded to the petitioner in both the complaint cases shall run concurrently.

9. Resultantly, the revision petitions, i.e. CRR No.4801 of 2018 and CRR No.50 of 2019 stand dismissed in above terms.

(SHEKHER DHAWAN)
JUDGE

May 08, 2019
Jitender/som

Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes