

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 23.05.2019

1. CRM-M-6092 of 2018 (O&M)

Gurmeet Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

2. CRR-3773 of 2017 (O&M)

Gurmeet Singh

..... Petitioner

Versus

Madan Lal and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S. Virk, Advocate
for the petitioner (in both cases).

Mr. Karan Sharma, AAG, Haryana.

Mr. Arvind Bansal, Advocate
for respondent No.2 (in CRM-M-6092-2018)
for respondent No.1 (in CRR-3773-2017).

ANIL KSHETARPAL, J.(ORAL)

By this order, CRM-M-6092 of 2018 and CRR No.3773 of 2017 shall stand disposed of.

Although, it is a hard case but the Court sometime has to decide such cases also. The petitioner herein had issued two cheques to the complainant-respondent. One is for Rs.2,50,000/- and second is for Rs.1,00,000/-. Two separate complaints were filed under Section 138 of

the Negotiable Instruments Act, 1881. With regard to cheque for amount of Rs.2,50,000/-, the petitioner was convicted, appeal and revision petition dismissed. The petitioner has already undergone the sentence awarded i.e. simple imprisonment for six months and revision petition i.e. CRR No.3774 of 2017 stands disposed of.

Now one revision petition and one criminal miscellaneous petition under Section 482, Cr.P.C. have come up for hearing. In this case also, the petitioner-convict has been convicted and sentenced simple imprisonment for a period of six months. It is not disputed by learned counsel for the parties that the aforesaid amount of Rs.1,00,000/- i.e. cheque amount stands paid during the pendency of the revision petition.

Learned counsel for the petitioner submits that there was some understanding and that is why the petitioner managed the amount with great difficulty and paid the same. On the other hand, learned counsel for the respondent/complainant denies that understanding. In this case also, the petitioner has already undergone 2 months and 20 days apart from imprisonment of 6 months in other case. No doubt, there is substance in the argument of learned counsel for the complainant that out of Rs.3,50,000/-, the complainant has received only Rs.1,00,000/-. However, the revision petition arising from dishonour of cheque of Rs.2,50,000/- stands already decided. In the petition under Section 482 Cr.P.C., the petitioner has prayed for an order to direct running of sentence concurrently. The petitioner in total has already undergone 8 months and 20 days including the sentence in other case.

Keeping in view the fact that counsel for the petitioner has expressed that the petitioner is not in a position to pay and also the fact that

the petitioner has already paid the cheque amount, therefore, both the petitions are disposed of by ordering that period undergone by the petitioner shall be the sentence awarded. Hence, the sentence awarded by the Courts stands modified.

Accordingly, both the petitions are disposed of.

The pending miscellaneous applications, if any in both the cases, shall stand disposed of in view of the above-said judgment.

23.05.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

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