

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

CRR No. 971 of 2019

DATE OF DECISION :- March 05, 2020

Daya Ram

...Petitioner

Versus

**M/s Mahindra & Mahindra Financial Services Limited and another
...Respondent**

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Tapan Yadav, Advocate for the petitioner.

Mr. Nitin Thatai, Advocate for the respondent.

Mr. Kuldeep Sharma, DAG, Haryana.

On a complaint under Section 138 of the Negotiable Instruments Act having been filed by complainant M/s Mahindra & Mahindra Financial Services Limited having its registered office at Mumbai and a Branch Office at Rewari against accused Daya Ram Yadav on the allegations that he had issued a cheque bearing No. 162122 dated 20.10.2010 in the sum of Rs.4,23,375/- in favour of the complainant drawn on Oriental Bank of Commerce, Rewari from his bank on account of discharge to financial liability, however, on presentation the cheque was returned uncashed on account of insufficient funds in his account and he had failed to make payment of cheque amount within 15 days from the

receipt of notice served upon him by the complainant.

Accordingly, he was summoned and made to face trial which ended in his conviction and sentence vide judgment dated 29/30.3.2016 passed by Judicial Magistrate Ist Class, Rewari and he was sentenced to undergo simple imprisonment for a period of six months and directed to pay compensation amount of Rs.5,65,000/- to the complainant within one month from the date of passing of the order.

Feeling aggrieved by the judgment of his conviction and order of sentence, the accused convict had filed an appeal before the Court of Sessions, which was assigned to Additional Sessions Judge, Rewari, who vide judgment dated 8.3.2019 dismissed the appeal and he was ordered to be taken into custody.

The petitioner had filed a revision petition before this Court, notice of which was given to the respondent complainant and it has appeared through counsel.

During the pendency of the revision petition the matter has been compromised between the parties. Learned counsel for the petitioner has contended that petitioner has paid the cheque amount to the complainant which fact is conceded by learned counsel appearing for the complainant. The prayer made by learned counsel for the revisionist is that in view of such amicable settlement between the parties, the sentence of the revisionist be reduced. Learned counsel for the complainant submits that he has no objection if it is so done.

As per custody certificate filed by the State counsel, the revisionist has undergone 1 month and 19 days of sentence. He is not shown

to be involved in any other criminal case. Since learned counsel for the revisionist has not challenged the impugned judgments passed by the Courts below on the point of conviction, those are upheld in that respect, however, with regard to the sentence part, a modification is done, inasmuch as the revisionist is sentenced to the imprisonment already undergone by him in this case and the direction with regard to payment of compensation amount stands deleted.

The petition is disposed of accordingly.

(H.S. MADAAN)
JUDGE

March 05, 2020
p.singh

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