

CRR-1035-2015

Date of decision: 20.01.2020

PARAMJIT SINGH

...PETITIONER

VERSUS

M/S JAGAN NATH JAI PAL COMMISSION
AGENTS, GIDDERBAHA

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. R.S. Rangpuri, Advocate
for the petitioner.Mr. Yagsimant Attri, Advocate for
Mr. Harsh Aggarwal, Advocate
for the respondents.

VIVEK PURI, J. (ORAL)

The controversy in the instant case is with regard dishonor of the cheque of Rs. 8 lacs drawn by the petitioner in favour of the respondents which on presentation was dishonored with the remarks 'insufficient funds'.

After issuing of the legal notice the respondents have instituted the complaint under Section 138 of the Negotiable Instruments Act. The petitioner was convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs. 5,000/- and in default whereof to undergo simple imprisonment of 7 days vide order dated 23.08.2012 passed by the Court of Sub-Divisional Judicial Magistrate, Gidderbaha.

The petitioner had challenged the judgment of conviction and order sentence by way of filing the appeal, which was dismissed by the Court of learned Additional Judge, Sri Muktsar Sahib vide judgment dated 05.03.2015.

Aggrieved, by the orders of the Courts below the present revision has

been preferred by the petitioner/accused.

During the course of hearing, it has been stated by the learned counsel for the petitioner that the matter has been otherwise amicably settled and no amount is due to be paid by the petitioner to the respondents. He has also stated that he does not assail the findings of conviction of the Courts below and has only prayed for leniency in the matter of the sentence.

The learned counsel for the respondents has not disputed that fact of receipt of amount from the petitioner. He has also placed on record the writing by Jaipal who is the proprietor of the respondents which also indicates that no amount pertaining to promissory note or cheque or cash is due to the respondents from the petitioner. He has also not disputed the submission made on behalf of the petitioner for leniency in the matter of sentence.

The cheque has been dishonored on account of insufficient funds and after the issuance of the legal notice the complaint was instituted. The allegations are duly spelt out by the complainant while appearing in the witness box as CW-2, the official from the bank of both the parties were also examined. As such the findings of conviction have been correctly recorded by the Courts below.

With regard to the quantum of sentence, it has been stated on behalf of both the parties that the petitioner has also undergone imprisonment for a period of about 2 months. It has been stated that the petitioner was taken into custody on 05.03.2015 when his appeal was dismissed.

It has been stated that the petitioner was ordered to be released on interim bail on 30.04.2015 and the bail bonds were furnished on 06.05.2015. As such he had remained in custody for a period of about 2 months. The matter has been amicably settled between the parties, nothing is due payable to the respondents from the petitioner, and the complaint was instituted as back as in the

upon the petitioner is reduced to the period already undergone without any alteration with regard to the amount of fine.

In view of the above, the present petition is disposed of.

20.01.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No