

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

229

CRR-407-2020 (O&M)

Date of Decision: 01.12.2021

Rajinder Singh

...Petitioner

Versus

Dilmohan Kumar & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this court challenging judgment dated 16.01.2020 passed by learned Additional Sessions Judge, Ludhiana, whereby an appeal filed by the petitioner against judgment dated 14.07.2016 passed by learned Judicial Magistrate 1st Class, Khanna, has been dismissed and conviction of the petitioner for offence punishable under Section 138 of the Negotiable Instruments Act has been upheld.
2. Today, at the very outset, learned counsel for the petitioner has submitted that he does not challenge the findings as regards conviction and restricts his submission to reduction of sentence only.
3. In view of the aforesaid submission and also upon finding that the findings as regards the conviction recorded by the Courts below

cannot be said to be perverse in any manner and have been recorded after due appreciation of the evidence on record, the conviction of the petitioner for offence under Section 138 of the Negotiable Instruments Act is upheld. However, as far as the sentence imposed upon the petitioner is concerned, this Court finds that there is some room for reduction of sentence particularly keeping in view the fact that he is not a previous convict. Since, the petitioner is stated to have undergone 8 months and 8 days including remissions out of the imposed sentence of 1 year, the sentence as imposed upon the petitioner is reduced to the one already undergone. The fine shall, however, remain unaltered.

4. The revision petition stands disposed of to the limited extent as indicated above as regards the quantum of sentence.

01.12.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

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