

117

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

CRR-678-2021 (O&M)

Date of Decision: 22.07.2021

Mukesh Sanghi

.. Petitioner

Vs.

Rambilas Saini and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kanhiya Soni, Advocate for
Mr. Shashi Kant Gupta, Advocate the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Convict/Petitioner Mukesh Sanghi has preferred this revision petition to challenge the Appellate Court judgment passed in Criminal Appeal No.34 of 2017/2020, whereby the judgment of conviction and order of sentence imposed by trial Court in complaint case bearing No.65RT/27.10.2014/02.01.2015, under Section 138 Negotiable Instruments Act, 1881, was upheld.

Learned counsel for the petitioner has argued that the complaint was not filed within the stipulated period and was beyond the limitation period, therefore, the same could not have been entertained. He submits that the issue regarding delay in filing the complaint was raised before the Appellate Court, however, the Courts have erroneously dealt with the said ground while convicting the petitioner for the offence punishable under Section 138 Negotiable Instruments Act, 1881.

During the course of hearing, it is not disputed by learned

counsel for the petitioner that the issue of delay in instituting the subject complaint could have been raised by the accused/petitioner at the initial stage, however, instead of challenging the said issue, he continued to participate in the trial proceedings.

Mr. Kanhiya, learned counsel for the petitioner has pointed out that out of the total substantive sentence of 1 year (simple imprisonment) imposed by the trial Court for the offence punishable under Section 138 NI Act, 1881, the petitioner has already served a period of 11 months.

At this stage, learned State counsel has produced the custody certificate dated 20.07.2021 of the petitioner filed by way of affidavit of Sarver Singh, Deputy Superintendent, District Prison (Narnaul), Mahendergarh. Copy thereof has been given to the counsel opposite. It indicates that the petitioner is involved in other cases of similar nature and in the present case, he has almost served his entire sentence.

Faced with this, learned counsel for the petitioner states that nothing survives for adjudication in this petition and the same is rendered infructuous.

Disposed off as such.

22.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No