

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRR-931-2021 (O&M)

Date of Decision : October 05, 2021

Deva Singh

.. Petitioner

Versus

Ganesh Dass and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parminder Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Present criminal revision petition has been filed challenging the order dated 03.04.2019 passed by the Judicial Magistrate Ist Class, Karnal by which, the petitioner was held guilty of violating the provisions of the Negotiable Instruments Act, 1881 and was sentenced to undergo imprisonment for a period of 8 months and also to pay the cheque amount of Rs.6 lacs to the complainant as compensation as well as the order dated 12.03.2020 passed by the Additional Sessions Judge, Karnal by which, the appeal preferred by the petitioner against the conviction has been dismissed.

Learned counsel for the petitioner straightaway submits that the petitioner is not addressing the arguments on merits against the conviction but only prays for reduction of the sentence, which has been awarded to the petitioner. Learned counsel for the petitioner further submits that the sentence of imprisonment for 8 months and payment of compensation of Rs.6 lacs is disproportionate to the allegations, which have been proved

against the petitioner, for which he has been convicted.

On the last date of hearing, learned counsel for the petitioner submitted before this Court that the petitioner is ready to execute the compromise, which he had entered with the complainant accepting that he will pay an amount of Rs.3 lacs as full and final payment and the offence, for which the petitioner has been convicted, may be compounded and he be granted the benefit of interim bail. On the basis of said submission, following order was passed by this Court on 02.09.2021:-

“Learned counsel for the petitioner argues that the petitioner is ready to execute the compromise, which was stated to have been entered into between him and the complainant, wherein, an amount of Rs. 3 lac was decided to be paid to the complainant as full and final settlement and the petitioner is now ready to pay the said amount. Learned counsel for the petitioner submits that as the petitioner is ready to execute the compromise and the offence is compoundable, the petitioner be given an interim bail after admitting the petition.

Notice of motion for 05.10.2021 subject to the payment of Rs. 1 lac by the petitioner within a period of next 10 days to the complainant.

Complainant be served by dasti process.

The sentence awarded to the petitioner shall remain stayed till the next date of hearing.

By the next date, the petitioner will pay the full and final amount as agreed between the parties.”

Surprisingly, though the complainant was to be served by *dasti* process, even the *dasti* summons were not taken by the petitioner for the service of the respondent.

Today, learned counsel for the petitioner submits that the petitioner is not ready for the payment of amount of Rs.3 lacs, though the said statement was given before this Court on the last date of hearing i.e. 02.09.2021. Learned counsel for the petitioner further submits that as petitioner refused the payment of Rs.3 lacs, he has not taken the benefit of said order dated 02.09.2021 seeking the suspension of sentence.

Keeping in view the abovesaid facts, especially that the petitioner entered into a compromise with the complainant and was ready to pay a sum of Rs.3 lacs and has retracted again from the said compromise, the petitioner does not deserve any leniency from this Court in the sentence awarded.

The conduct is a paramount consideration, which has to be taken into consideration while awarding the sentence and in the present case, keeping in view the conduct of the petitioner as well as the offence for which he has been convicted, no interference is called for by this Court in the sentence awarded to him.

No ground is made out for any interference by this Court in the orders being impugned in the present petition.

Accordingly, the present criminal revision petition is dismissed.

CRMs-27710 & 27711 of 2021

Applications stand dismissed keeping in view the order passed in the main criminal revision petition.

October 05, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No