

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

**CRR-1233-2020 (O&M)
Decided on : 15.01.2021**

Dalbir Kaur

. . . Petitioner(s)

Versus

Manohar Singh and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by: Mr. Harjinder Singh, Advocate for
Mr. Avtar Singh Khinda, Advocate
for the petitioner(s).

Mr. Munish Choudhary, Advocate
for respondent No.1.

Mr. Rajiv Goel, DAG, Haryana
for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The present revision petition has been filed by the petitioner aggrieved against the judgment dated 09th October, 2015, passed by the learned Additional Sessions Judge, Kapurthala (hereinafter referred to as the 'First Appellate Court'), for the offence under Section 138 of the Negotiable Instruments Act, 1881 (in short 'the Act'), whereby, the judgment dated 28.09.2012 passed by the Court of Special Judicial Magistrate, Kapurthala, was upheld.

2. At the outset, learned counsel for the petitioner submits that he would not press the instant petition on merits and would restrict his prayer *qua* the quantum of sentence. He submits that the petitioner has suffered the agony of trial for more than 10 years, as the complaint was instituted in the

year 2010. The petitioner is a poor person and during the pendency of the instant revision petition, she has been fastened with many liabilities. He has, therefore, prayed that a lenient view be taken and the sentence be thus reduced to the period already undergone.

3. As per the custody certificate of the petitioner filed by learned State counsel, the petitioner has undergone 01 year, 06 months and 23 days including remission, out of the maximum substantive sentence of 02 years under Section 138 of the Act.

4. In view of the submissions made by the learned counsel for the petitioner, I am of the considered view that ends of justice would be met if while maintaining the conviction of the petitioner, her sentence is reduced to the period already undergone by her. Ordered accordingly. There shall be no modification with regard to fine.

5. With the aforesaid modifications in the quantum of sentence dated 28th September, 2012, the instant petition stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

January 15, 2021

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No