

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

CRR No. 115 of 2022

Date of Decision: 12th July, 2022

Jagmail Singh

... Petitioner

Versus

Dr. Ganga Singh Godara

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. K. S. Godara, Advocate for the petitioner.

AVNEESH JHINGAN, J.(Oral)

This revision petition was filed aggrieved of the appellate order whereby the compensation amount was enhanced and sentence imposed upon the respondent was modified.

The brief facts are that a complaint was filed by the petitioner pleading that the respondent failed to repay the loan. A cheque No. 25 of Rs.3,00,000/- dated 15.4.2015 drawn on HDFC Bank, Fatehabad was issued for discharge of liability. On presentation, the cheque was dishonoured with the remarks "funds insufficient". After serving of legal notice, complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act') was filed.

The respondent was convicted under Section 138 of the Act by judgment dated 19.3.2019. Vide order dated 27.3.2019, he was ordered to undergo simple imprisonment of one year and to pay compensation of Rs.3,60,000/-.

The appellate court considering the facts and circumstances in

totality, upheld the conviction, reduced the sentence from one year to undergo sentence till rising of the court. Respondent was directed to pay Rs.50,000/- in addition to the compensation of Rs.3,60,000/- awarded by the trial court.

Learned counsel for the petitioner submits that if the sentence was to be reduced from one year to one day, the petitioner should have been awarded more compensation.

Supreme Court in ***New India Assurance Co. Ltd. Vs. Krishna Kumar Pandey, 2020(1) Ori. Law Rev. 246*** held as under:-

“8. The scope of the revisional jurisdiction of the High Court (or Sessions Court) under Section 397 Cr.P.C., 1973 is limited to the extent of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order passed by an inferior Court. The revisional Court is entitled to look into the regularity of any proceeding before an inferior Court. As reiterated by this Court in a number of cases, the purpose of this revisional power is to set right a patent defect or an error of jurisdiction or law.”

The law is well settled that in the revision, the jurisdiction is limited. The cheque amount was of Rs.3,00,000/-. The compensation of Rs.3,60,000/- awarded by the trial court, was enhanced by Rs.50,000/- in appeal and the sentence was reduced.

No ground is made out to interfere in the impugned order.

Criminal Revision is dismissed.

(AVNEESH JHINGAN)
JUDGE

12th July, 2022

mk

Whether reasoned/speaking
Whether reportable

Yes
No