

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.119

CRM-M-25151-2023 (O&M)
Date of decision : 18.05.2023

Salesh Kumar Rai and another

..... Petitioners

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.S. Bhana, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to undergo imprisonment for a period of one year and to pay compensation of Rs.40,00,000/- vide judgment of conviction dated 08.09.2022 and order of sentence dated 09.09.2022. Appeal there-against has been filed and the same is pending adjudication. Sentence has been suspended vide order dated 06.10.2022 and a direction had been issued to deposit 20% of the compensation awarded within sixty days.

Learned counsel for the petitioners has submitted that Section 148 of the Negotiable Instruments Act, 1881 was brought on the statute vide an amendment made in the year 2018. The cheque having been issued prior to the amendment, the amended provision was not applicable.

The submission is totally mis-conceived. The law in force on the date of the judgment has to be applied. The judgment of conviction in this case is dated 08.09.2022. Thus, the argument is not acceptable.

The petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

18.05.2023
Ramandeep Singh

Whether speaking / reasoned	Yes
Whether Reportable	No