

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRR-1017-2023 (O&M)

Date of Decision: 24.04.2024

Sandeep Kumar Saini

..... Petitioner

Versus

Yoginder Mohan and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The instant revision has been preferred by Sandeep Kumar Saini, challenging judgment dated 04.03.2023 passed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, whereby judgment of conviction and order of sentence dated 12.01.2016 and 13.01.2016 respectively passed by the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, in complaint case bearing No.2303 of 2013, has been upheld, vide which, the accused – petitioner has been convicted and sentenced to undergo RI for a period of one year for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 along-with compensation to the tune of Rs.5 lakhs in terms of Section 357(3) Cr.P.C. to be paid to the complainant- and in default thereof, to undergo further imprisonment for three months.

2. At the very outset, learned counsel for the petitioner contends that in view of the concurrent findings of both the Courts below, he does not want to challenge the conviction of the petitioner. However, he submits that in view of the circumstances of the case, the sentence awarded by the Courts below is

on higher side.

3. Here it would be pertinent to mention that petitioner did not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner is concerned. As such, the conviction of the petitioner is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the appellate court. Apart from the fact that petitioner is facing the agony of protracted trial since 2013, who has to look after his family. Moreover, petitioner has already suffered incarceration for a period of more than 01 year out of total substantive sentence of one year. Thus, this court is of the considered view that a chance be given to the petitioners to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Though, it is evident that the petitioner is also involved in another case under IPC but in that case he is on bail.

5. Taking into consideration the above narrated discussion as well as the fact that petitioner has not challenged his conviction on merits, while affirming their conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause.

6. With the aforesaid modification in the quantum of sentence, the revision petition stands disposed of.

24.04.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No