

IN THE PUNJAB AND HARYANA HIGH COURT

CHANDIGARH

CRR-1991-2019

Date of Decision:14.08.2024

RAMACHANDRAN RAMAKRISHANAN

.....PETITIONER

VERSUS

CITY MARK HOTEL PVT. LTD. AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Hemal Singh, Advocate for the petitioner.
(through VC).

Mr. S.S. Pannu, Addl. A.G, Haryana.

SANDEEP MOUDGIL, J

1. The present criminal revision petition has been preferred against the judgment dated 05.07.2019 passed by Additional Sessions Judge, Gurugram whereby, the judgment of conviction dated 24.10.2016 and order of quantum of sentence dated 26.10.2016 passed by Judicial Magistrate Ist Class, Gurugram has been affirmed and the petitioner has been sentenced to undergo imprisonment for a period of 02 years for commission of an offence under Section 138 of the Negotiable Instruments Act and to further undergo six months in default of payment of compensation amount.

2. At the very outset, learned counsel for the petitioner contends that he does not want to challenge the conviction of the petitioner on merits. However, he submits that in view of the circumstances of the case, the sentence awarded by the trial Court is on higher side.



3. Here it would be pertinent to mention that the petitioner did not challenge his conviction on merits and only confines his relief qua quantum of sentence. This Court has also scrutinized the impugned judgments as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgments as far as the conviction of the petitioner is concerned, As such, the conviction of the appellant 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. Apart from the fact that the petitioner has already faced the agony of protracted trial for more than a decade. The petitioner has already undergone the actual sentence for a period of 02 years 06 months as of now, out of total substantive sentence of two years and has been released on expiry of sentence on 25.06.2024. Thus, this Court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life. Though, it is evident that the petitioner is not involved in any other case of any nature whatsoever, which is sufficient for this Court to infer that he is person of clean antecedents.

5. Taking into consideration the above narrated discussion as well as the fact that the petitioner has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to to the period already, undergone by him and the petitioner has since been released on expiry of sentence on 25.06.2024, with no change in fine clause.



6. With the aforesaid modification in the quantum of sentence, the present criminal revision petition stands disposed of as undergone. However, there is no change with regard to the compensation amount as directed by the trial Court.

7. Pending criminal misc. application, if any shall also disposed of.

14.08.2024
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(SANDEEP MOUDGIL)
JUDGE

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