

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

2024:PHHC:063262
CRM-43878-2023 in/and
CRR-2377-2023 (O&M)
Date of Decision: May 07, 2024

Kingh Singh

...Petitioner

Versus

Gurdev Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Kumar Bansal, Advocate for the petitioner.

None for respondent No.1.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

CRM-43878-2023

This is an application under Section 5 of the Limitation Act to condone the delay of 125 days in filing the revision petition.

For the reasons as mentioned in the application, delay of 125 days in filing the present revision is condoned, subject to all just exception.

Application is allowed.

Main Case

Custody certificate is taken on record.

2. In criminal complaint bearing No.COMA/1559/2018, titled as “**Gurdev Singh v. Kingh Singh**”, accused - Kingh Singh (petitioner herein) was convicted by the Court of learned Judicial Magistrate 1st Class, Bathinda, under Section 138 of the Negotiable Instruments Act, 1881, vide judgment dated 05.03.2021 and vide a separate order of even date, was sentenced to undergo rigorous imprisonment for a period of 01 year and to pay compensation to the tune of cheque amount of ₹1,50,000/- with interest

@ 9% per annum from the date of issuance of the cheque till its realization.
The appeal against the judgment of conviction and order of sentence as filed by the petitioner has been dismissed by the Court of Sessions vide Judgment dated 09.03.2023.

3. Before this Court, though the petitioner challenged the conviction as well as the sentence, but today statement is made by learned counsel for the petitioner, so as to withdraw this petition against the judgment of conviction as recorded by the Courts below.

4. Learned counsel for the petitioner has made a specific statement that since the cheque amount is only ₹1,50,000/- and that the petitioner has already undergone custody period of more than 08 months, so his sentence be modified and the same may be reduced to the period already undergone by him.

5. Respondent-complainant – Gurdev Singh was duly served, but he did not appear before this Court for contesting this petition.

6. The request made by learned counsel for the petitioner appears to this Court as quite reasonable, having regard to the cheque amount. The custody certificate reveals that the petitioner has already undergone actual custody period of 07 months and 26 days and his total sentence by including the remission period is 08 months and 12 days.

7. Having regard to the aforesaid facts and circumstances, the present petition is disposed of by maintaining the conviction of the petitioner, but by modifying the order of sentence as passed by the Trial Court to the extent that petitioner is sentenced to imprisonment for the

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period already undergone by him. However, it is made clear that as far as the compensation amount is concerned, it shall remain same, which complainant-respondent No.1 shall be entitled to recover in accordance with law.

The pending application(s), if any, also stand(s) disposed of.

May 07, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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