

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

CRR-2897-2023
Date of Decision : 08.01.2024

LAXMI DEVI

.....Petitioner

VERSUS

HEMANT KHURANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gaurav Mohunta, Advocate,
for the petitioner.

KULDEEP TIWARI. J.(Oral)

1. Through the instant revision petition, the complainant has thrown a challenge to the judgment dated 24.11.2023, passed by the learned First Appellate Court concerned, whereby, the appeal for enhancement of the sentence and compensation awarded by the learned trial Court concerned, has been partly allowed.

2. The petitioner/complainant had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881, against the respondent. The learned trial Court concerned held the respondent guilty for commission of aforesaid offence and sentenced as under:-

“Heard upon quantum of sentence. Statement of convict Hemant Khurana recorded separately wherein he stated that he is having old aged mother and small children, who are totally dependent upon him; hence, lenient view be taken upon him seeing his present circumstances. Learned counsel for convict also prayed on the same way.

2. On the other hand, learned counsel for complainant submitted that considerable Cheque amount is involved in this case and no mitigating circumstances are made out in favour of convict, therefore, he be given adequate punishment.

3. After giving thoughtful consideration to the factual matrix of the present case and keeping in view the age, antecedent, character and the socio economic condition of the convict, said convict is hereby sentenced to undergo simple imprisonment for a period of one (1) year for commission of offence punishable under Section 138 of Negotiable Instruments Act, 1881. Said convict is further directed to pay Compensation in the sum of 3,00,000/- to complainant under Section 357(3) of Cr.P.C., which shall be paid within 60 days from today i.e. 14.09.2022. The details of the punishment of convict are given in the Tabular Form as well, which is as follows:

Name of convict(s)	Offence(s)	Sentence(s)	Compensation Amount
Hemant Khurana	U/S 138 NI Act, 1881	Simple Imprisonment for 01 year	Rs.3,00,000/-

4. Earlier bail bonds and surety bonds of aforesaid convict/accused stand discharged.

5. Copy of Judgment as well as Order of Quantum of Sentence, be supplied to the convict immediately, as per rules.

6. File be consigned to record room after due compliance.”

3. Aggrieved from the inadequate sentence awarded to the respondent, the petitioner/complainant preferred an appeal before the First Appellate Court concerned, for enhancement of the sentence and compensation amount.

4. In a cross-appeal, the respondent also challenged the verdict of conviction and order of sentence (*supra*). The First Appellate Court concerned, after finding merits in the appeal preferred by the petitioner/complainant, enhanced the compensation amount from Rs.3.00 lakhs to Rs.6.00 lakhs, whereas, declined the prayer to enhance the sentence awarded to the respondent by the learned trial Court concerned.

5. This Court has examined the judgment passed by the First Appellate Court and finds no perversity or illegality.

6. The learned First Appellate Court concerned, has adequately enhanced the compensation amount and the sentence imposed upon the

respondent, is in accordance with the magnitude of the offence which has been rightly considered by the learned trial Court concerned. Therefore, no interfere is required, and the instant revision petition is dismissed.

January 08, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No