



233

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

**CRR No.664 of 2025 (O&M)
Date of Decision: 13.02.2026**

Himanshu

..... Petitioner

Versus

Ravinder Arora

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhimanyu Jairath, Advocate for
Ms. Monita Mehta, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

1. Present revision petition has been filed by the petitioner wherein he has challenged the order passed by the learned Sessions Judge, Kaithal dated 28.01.2025 dismissing the appeal preferred by the petitioner against the conviction and order of sentence dated 07/10.09.2024 passed by the learned Judicial Magistrate First Class, Guhla whereby the petitioner was convicted and sentenced under Section 138 of Negotiable Instruments Act for 04 months simple imprisonment and to pay compensation of Rs.1,00,000/- to the complainant under Section 357(3) Cr.P.C.

2. Succinctly the facts of the case are that the respondent has filed a complaint against the petitioner under Section 138 of the Negotiable Instruments Act. It was alleged that the accused/petitioner along with his father took friendly loan of Rs.1,00,000/- from the complainant-respondent for depositing the instalment of truck/tempo and



the complainant handed over a cheque bearing No.33119319 amounting to Rs.1,00,000/- to the petitioner. The petitioner and his father assured to return the said borrowed amount with interest. However, after some time, they again demanded Rs.1,00,000/- for some domestic purpose and the complainant again handed over a cheque amounting to Rs.1,00,000/- to the petitioner. Thereafter, the complainant tried to contact the petitioner and requested him to pay back the said borrowed amount and the petitioner issued a cheque bearing No.00001 dated 07.08.2019 for an amount of Rs.1,00,000/- drawn over D.C.B. Bank Cheeka Branch in favour of the complainant/respondent. However on the presentation of the cheque, the same was returned by the Bank with the remarks "Funds Insufficient". The respondent issued a legal notice dated 26.08.2019 through his counsel to the accused/petitioner, however the amount was not paid and hence, it was prayed that the petitioner be punished for the offence according to the law under Section 138 of the Negotiable Instruments Act. The respondent led the preliminary evidence before the trial Court and finding a *prima facie* case, learned Judicial Magistrate Ist Class, Guhla convicted the petitioner and sentenced him under Section 138 of Negotiable Instruments Act to undergo simple imprisonment for a period of 04 months and to pay compensation of Rs.1,00,000/- to the complainant under Section 357(3) Cr..P.C. Being aggrieved, the petitioner preferred an appeal before the learned Appellate Court, Kaithal however the same was dismissed vide order dated 28.01.2025. Hence



being aggrieved, the petitioner is before this Court by way of filing the present revision petition.

3. Learned counsel for the petitioner, at the outset, has submitted before this Court that during the pendency of present revision petition, the petitioner has already undergone the sentence awarded to him. He submits that the petitioner was awarded sentence of 04 months simple imprisonment and he has already undergone the sentence. He submits that the petitioner does not press his conviction on merits but prays for taking a lenient view and the petition be disposed of.

4. Notice of motion.

5. On the asking of the Court, Mr. Tanuj Sharma, A.A.G., Haryana, accepts notice on behalf of the respondent-State. He has affirmed the submissions made by learned counsel for the petitioner that the petitioner has already undergone the sentence awarded to him.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. The Court has heard learned counsel for the parties and with their able assistance perused the record. Petitioner has assailed the impugned order dated 07/10.09.2024, wherein, he was convicted and sentenced, however, the conviction of the petitioner is not challenged on merits by counsel for the petitioner. It is apparent that he has already undergone the sentence as awarded. Needless to say that the petitioner is facing rigors of criminal proceedings since the year 2020. In the overall facts and circumstances, there are mitigating circumstances for



considering the prayer made by counsel for the petitioner as the sentence has already been undergone.

8. Keeping in view all the above facts, the present revision petition is disposed of.

13.02.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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