

CRR-3116-2011 (O&M)
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-3116-2011 (O&M)

JUDGMENT RESERVED ON	JUDGMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	Uploaded on
12.01.2026	30.01.2026	FULL PRO- NOUNCED	30.01.2026

Rakesh ... Petitioner

VS.

Pardeep Kumar Jain and another ... Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashwani Antil, Advocate
for the petitioner.

Mr. Vivek Sidhu, Advocate (Through VC)
for respondent No.1.

ANOOP CHITKARA, J.

Case No.	Criminal Complaint No.199/07/09 Date of decision: 17.11.2010
Names of accused/ convicts/ appellant	Rakesh
Conviction under sections	138 of Negotiable Instruments Act
Sentence imposed	RI for 01 year and fine of Rs.5,000/- and in addition, the convict was directed to pay Rs.2,50,000/- as compensa- tion under Section 357(3) CrPC

Criminal Appeal No.	49 of 2010/2011 Date of decision: 26.11.2011
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I. Challenging the judgment dated 17.11.2010 passed by the Judicial Magistrate, Ist Class, Sonapat, affirmed by the Court of Sessions Judge, Fast Track Court, Sonipat and dismissed the appeal vide judgment dated 26.11.2011, whereby the petitioner was convicted under Section 138 of Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for one year and pay Rs.2 lacs as compensation, the petitioner has come up before this Court by filing the present criminal revision petition.

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2. On 06.11.2017, Coordinate Bench of this Court recorded the statement of the complainant that he had received Rs.2 lacs as the same were deposited in the treasury by the petitioner. Vide order dated 29.01.2018, Coordinate Bench of this Court had recorded the statement of petitioner's counsel that they were not in a position to pay compensation of Rs. One lac, as was directed by the previous order dated 06.11.2017, as such the Court had asked that if the amount was not brought on the next date, this petition shall have to be argued on merits and bail bonds shall be vacated. However, after that, case was not taken up and was adjourned by orders.

3. Vide order dated 13.09.2023, on mutual desire of the parties to compromise, the parties were directed to appear before the Mediation and Conciliation Centre of this Court but they absented themselves.

4. On 23.07.2025, the Hon'ble the Chief Justice had referred the matter to the Mediation and Conciliation Centre of this Court, however, the Mediation also did not bring any fruitful result as the parties absented themselves.

5. Learned counsel for the petitioner submits that petitioner is not in a position to pay entire compensation amount and considering his old age and medical ailments, he submits that petitioner's sentence be reduced to the sentence already undergone i.e. 01 month & 08 days as per custody certificate dated 10.01.2026.

6. The cheque in question was of Rs.2 lacs, as such the convict was sentenced to undergo imprisonment for 01 year and fine of Rs.5,000/- and pay an amount of Rs.2 lacs as compensation

7. Considering that amount involved was Rs.2 lacs and the sentence already undergone is of 38 days and considering the de-valuation of currency vis-vis emphasis of personal liberty and the legislative objection of Negotiable Instruments Act being recovery of remaining money, which in the present case the petitioner is not having, no purpose would suffice by asking the petitioner to undergo more incarceration and also considering that appeal is pending for 14 years. Thus, a cumulative assessment of all the factors mentioned above are sufficient to reduce the sentence.

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8. Given the above, in the facts and circumstances peculiar to this case, the present criminal revision petition is partly allowed to the extent mentioned above. All pending application(s), if any, stand closed.

(ANOOP CHITKARA)
JUDGE

30.01.2026
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No