



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

117

CRR-2368-2024 (O&M)
Date of Decision:- 07.04.2026

Amarjit Singh Dhingra ...Revisionist
Versus
Surjeet Singh and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Arshit Goel, Advocate, Legal Aid Counsel,
for the revisionist.

Mr. Jaskirat Singh Dhaliwal, Advocate with
Mr. M.S. Rai, Advocate,
for respondent No.1.

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (Oral)

CRM-46935-2024

1. This is an application for condonation of delay of 403 days in filing the revision petition.
2. Through the present revision petition, revisionist has challenged the impugned judgment dated 18.08.2023 passed by learned Sessions Judge, Bathinda, upholding the impugned judgment of conviction and order of sentence dated 02.03.2023 passed by learned Judicial Magistrate Ist Class, Bathinda vide which the revisionist is sentenced to undergo rigorous imprisonment for a period of one year under Section 138 of Negotiable Instruments Act, 1881, and to pay compensation to respondent No.1 to the tune of cheque amount i.e. Rs.1,60,000/- along with interest @ 9% per annum

*CRR-2368-2024 (O&M)*

(2)

from the date of issuance of cheque in question till the date of passing of order of the trial Court.

3. Brief facts of the present case are that respondent No.1/complainant Surjeet Singh moved a complaint against the revisionist-Amarjit Singh Dhingra under Section 138 of Negotiable Instruments Act, on the averments that he took a loan from respondent No.1 for his business purpose and in discharge of his liability, the revisionist issued a cheque No.058991 dated 31.7.2018 for a sum of Rs.1,60,000/- in favour of respondent No.1, out of his account No.0338010100001154, maintained by him with Jammu & Kashmir Bank, Branch SSD Sabha, The Mall, Bathinda and at that time, the revisionist assured respondent No.1 that the said cheque will be honoured as and when presented for encashment. However, when the said cheque was deposited by respondent No.1 for collection of payment as per banking procedure to the Bank of the revisionist, the same was returned vide memo dated 24.9.2018 with the remarks "Funds Insufficient". Thereafter, respondent No.1 got a legal notice dated 9.10.2018 issued against the revisionist through registered post, intimating him about the dishonour of the cheque, in question, and calling upon him to make the payment of the cheque within a period of 15 days from the receipt of the notice, but the revisionist neither paid the cheque amount nor replied to the legal notice within the stipulated period Accordingly, respondent No.1/complainant brought the complaint against the revisionist under Section 138 of the Act.

4. Learned counsel for the revisionist contended that the present matter pertains to a legal aid case, and the brief was assigned to him at a

*CRR-2368-2024 (O&M)*

(3)

belated stage. Owing to this circumstance, an unintentional delay of 403 days has occurred in filing the present revision petition. It is contended that the delay is neither deliberate nor intentional but attributable to procedural constraints inherent in legal aid matters. Accordingly, it is prayed that the delay be condoned in the interest of justice. Learned counsel further contended that the cheque in question has been misused by respondent No.1 and in this regard, the revisionist has already lodged an FIR. It is also contended that the alleged transaction, as claimed by respondent No.1, is stated to have been made in cash and exceeds ₹20,000/-. Such a transaction is in violation of the provisions of the Income Tax Act, which mandate that payments beyond ₹20,000/- should be made through banking channels and not in cash. In light of the above submissions, it is prayed that the present revision petition be allowed, the delay in filing be condoned, and the impugned order be set aside in the interest of justice.

5. On the other hand, learned counsel for respondent No.1 vehemently opposed the present revision petition and contended that the same is wholly misconceived and filed with an ulterior motive to delay the recovery proceedings. It is further contended that the revisionist is involved in several other criminal cases. It is further contended that all the pleas now sought to be raised by the revisionist have already been duly considered and appreciated by the learned Trial Court, which, after a thorough examination of the evidence on record, rightly convicted the revisionist. Learned counsel further contended that the revisionist had preferred first appeal, i.e. Criminal Appeal No.197 dated 31.03.2023 (CIS No. CRA-252-2023), which has also



CRR-2368-2024 (O&M)

(4)

been dismissed by the Appellate Court. It is also contended that the revisionist was duly represented by a counsel of his own choice during the trial proceedings, as is evident from the judgment itself. Therefore, the plea of the matter being a legal aid case at a later stage is an afterthought and does not justify the inordinate delay of 403 days in filing the present revision petition. Furthermore, it is submitted that the revisionist has already undergone the sentence awarded to him. Hence, the present revision petition serves no bona fide purpose and has been filed merely to obstruct and delay the lawful recovery of dues. With regard to the revisionist's allegation of misuse of cheque and registration of FIR, learned counsel, on instructions from respondent No.1, submits that a cancellation report has already been filed in the said FIR, which clearly falsifies the revisionist's defence and demolishes his claim.

6. Heard.

7. Keeping in view the contentions raised by learned counsel for the parties and perusing the record, this Court finds that no sufficient cause has been shown to justify such an inordinate delay. The record reveals that the revisionist was duly represented by a counsel of his choice during the trial proceedings, as well as in the first appeal. The appeal preferred by the revisionist, i.e. Criminal Appeal No. 197 dated 31.03.2023 (CIS No. CRA-252-2023), already stands dismissed. Thus, the plea that the matter was taken up as a legal aid case at a belated stage appears to be an afterthought. Even otherwise, on merits, no ground is made out for interference in revisional jurisdiction. The learned Trial Court, after appreciating the evidence on

CRR-2368-2024 (O&M)

(5)

record, has rightly recorded the conviction of the revisionist. The findings have further been affirmed by the Appellate Court. This Court does not find any illegality, perversity, or jurisdictional error in the concurrent findings recorded by the Courts below. The contention regarding alleged misuse of cheque is also devoid of merit, particularly in view of the submission made by learned counsel for respondent No.1 that a cancellation report has already been filed in the FIR; It is also noteworthy that the revisionist has already undergone the sentence awarded to him, and the present petition appears to have been filed only to delay the recovery proceedings.

8.

In view of the above, the application for condonation of delay is dismissed. Consequently, the revision petition is also dismissed.

9.

Pending miscellaneous application(s), if any, stands disposed of accordingly.

10.

Ordered accordingly.

07.04.2026

Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No