

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 3795 of 2016 (O/M)
Date of decision : 31.7.2017

Vinay Gupta Revisionist

Versus

Vijay Kumar and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jagjot Singh Lalli, Advocate, for revisionist.

None for respondent No. 1.

Mr. C.L. Pawar, Senior DAG Punjab, for respondent No. 2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Revisionist was convicted by the learned Judicial Magistrate 1st Class, Ludhiana, vide judgment of conviction and order of sentence dated 7.5.2015, under Section 138 of the Negotiable Instruments Act, 1881, and was sentenced to undergo rigorous imprisonment for one year and fine of Rs. 5,000/-, in default thereof, to further undergo simple imprisonment for one month. The appeal against the said judgment was dismissed by the learned Additional Sessions Judge, Ludhiana, on 6.10.2016. Consequently, present revision was filed before this Court.

In the complaint, the allegations were that four cheques, total amounting to Rs. 1,65,000/-, issued by present revisionist, were dishonoured by bank when presented with remarks 'Account Closed'. Before this Court, accused-revisionist has submitted a demand draft of Rs. 1,65,000/-. Subsequently, he also deposited 15% of cheque amount by way of costs, as

per the judgment of the Apex Court in Damodar S. Prabhu Versus Sayed Babalal H., 2010 (5) SCC 663. It also comes out that for the last two dates, the learned counsel for complainant is not putting in appearance. The learned counsel for revisionist states that since he has paid the entire cheque amount alongwith costs as per Damodar S. Prabhu's judgment (supra), therefore, a lenient view may be taken in the matter of sentence.

In view of the matter, the prayer is allowed. The substantive sentence of revisionist is reduced to period already undergone by him. The amount of Rs. 1,65,000/-, deposited by way of a demand draft and submitted before the trial Court in terms of order dated 12.10.2016, passed by a coordinate bench of this Court in CRM-32473-2016 in CRR-3795-2016, is ordered to be disbursed to complainant, whereas amount of cost of Rs. 24,750/- be credited to the account of District Legal Services Authority, Ludhiana.

The revision is accordingly disposed of in above terms.

(KULDIP SINGH)
JUDGE

31.7.2017

sjks

Whether speaking / reasoned : Yes

Whether Reportable : No