

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. CRIMINAL REVISION PETITION NO. 1364/2017

Pramod Kumar Sharma S/o Laxmi Narayan Sharma B/c Brahmin, R/o Jatti Ki Bagichi, Manni Ka Bad, Alwar, District Alwar, Raj.

-----Petitioner

Versus

1. State of Rajasthan Through PP.
2. Kundan Lal Saini S/o Mangu Ram Saini B/c Saini, R/o Sundarnath Ki Bavdi, Alwar, District Alwar, Raj.

-----Respondents

For Petitioner : Mr. Sanjay Verma

For Respondents: Mr. N.S. Dhakad, P.P.

HON'BLE MRS. JUSTICE SABINA

Order

31/10/2017

Petitioner had faced trial under Section 138 of The Negotiable Instruments Act, 1881 (hereinafter referred to as the 'Act').

Trial court vide judgment/order dated 22.05.2012, ordered the conviction and sentence of the petitioner under Section 138 of the Act. Appellate Court vide order dated 11.07.2017, ordered the release of the petitioner on probation and directed him to deposit the fine to the tune of Rupees one lac within one month before the trial court. Hence, the present petition.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Respondent no.2 had filed a complaint against the

petitioner under Section 138 of the Act with regard to dishonour of cheque dated 30.06.2006. In order to prove his case, respondent no.2 himself appeared in the witness box and examined other witnesses in support of his case. Petitioner had failed to rebut the evidence led by the respondent no.2 in support of his case.

In these circumstances, the courts below rightly ordered the conviction of the petitioner under Section 138 of the Act. The Appellate Court had granted one month time to the petitioner to deposit the amount of fine to the tune of Rupees one lac and had ordered that the petitioner be released on probation. There is no force in the argument raised by learned counsel for the petitioner that the petitioner be allowed to deposit the amount of fine by way of instalments. The cheque was dishonoured in the year 2006. Eleven years have already passed.

In the facts and circumstances of the case, no ground for interference by this court is made out.

Dismissed.

सत्यमेव जयते

(SABINA)J.

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