



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

CRR-3179-2018 (O&M)

Date of Decision: 18.08.2025

Gamdoor Singh

...Petitioner

Versus

Surinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: None for the petitioner.

None for the respondent.

Mr. Sidharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J.

1. The instant revision petition has been filed on behalf of petitioner - Gamdoor Singh assailing judgment dated 10.08.2018 passed by learned Additional Sessions Judge, Mansa, whereby an appeal filed by the petitioner challenging his conviction for an offence under Section 138 of the Negotiable Instruments Act (for short 'the Act') as recorded by learned Chief Judicial Magistrate, Mansa vide judgment dated 16.01.2015, has been dismissed.
2. The trial Court, while holding the petitioner guilty of having committed offence under Section 138 of the Act, had sentenced him to undergo rigorous imprisonment for 2 years and also imposed a fine of Rs.5000/- vide judgment dated 16.01.2015. The said judgment of trial Court was affirmed by the appellate Court vide impugned judgment.



3. At the time of preliminary hearing on 15.07.2019, this Court issued notice of motion to a limited extent so as to examine the propriety of sentence. The said order dated 15.07.2019 is reproduced herein under:

“By way of filing this petition, the petitioner assails judgment dated 10.8.2018 passed by learned Additional Sessions Judge, Mansa, whereby his conviction for offence under Section 138 of Negotiable Instruments Act has been upheld.

The learned counsel for the petitioner, while assailing the impugned judgment, has submitted that, in the present case, the signatures as existing on the pronote and the cheque, allegedly issued by the petitioner, do not tally and which clearly shows that the said documents have been forged. It has further been submitted that in fact the execution of the pronote or the passing of the consideration pursuant to the said pronote also does not stand established and, as such, it cannot be said that there was any existing legal liability, in whose discharge the cheque had been issued.

I have considered the aforesaid submissions.

The petitioner has not examined any handwriting expert to show that the signatures in question as affixed on the cheque were not affixed by him. Since from the evidence on record, it is clearly established that the cheque in question had been issued pursuant to execution of the pronote by the petitioner, this Court does not find any infirmity in the findings as regards the conviction of the petitioner for offence under Section 138 of Negotiable Instruments Act. However, there could be some room for reduction in sentence of imprisonment especially since the learned counsel has submitted that the petitioner is not a previous convict.

Notice of motion to the limited extent of examining the propriety of sentence for 18.8.2019.

The State shall furnish custody certificate of the petitioner as well as the information as to whether the petitioner is wanted in any other case or not on the next date of hearing.”

4. Thereafter, the matter came to be adjourned several times. None has been appearing on behalf of the petitioner since the last few dates. Custody certificate had also been produced before this Court on 10.05.2023. The order dated 10.05.2023 is reproduced herein under:

“Custody certificate of the petitioner has been filed by learned State counsel today in Court, which is taken on record.

As per custody certificate, the petitioner has already been released.

However, there is no representation on behalf of the petitioner.



In the interest of justice, the matter is adjourned to 4.10.2023.”

5. A perusal of the aforesaid order indicates that the petitioner had apparently been released upon completion of his sentence. As such, the instant revision has been rendered infructuous as it loses its purpose particularly when it is only regarding the quantum of sentence that notice of motion had been issued.
6. Consequently, the instant petition is disposed of having been rendered infructuous.

18.08.2025

Vimal

(GURVINDER SINGH GILL)
JUDGE

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