

2025:PHFC:0723/6



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-657-2009(O&M)

Date of Decision:-27.05.2025

Gurinderjit Singh.

.....Petitioner.

Vs.

Jagdeep Singh & Anr.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Ramandeep Kaur, Advocate (Amicus Curiae)
for the Petitioner.

Ms. Garima Dikshi, Advocate (Amicus Curiae)
for the respondent no.1.

Mr. Harkanwar Jeet Singh, Assistant Advocate General
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 24.02.2009 passed by Additional Sessions Judge, Amritsar whereby the appeal filed against the judgment of conviction and order of sentence dated 18.05.2007 passed by Judicial Magistrate Ist Class, Amritsar has been dismissed.

2. The complaint in the present case came to be registered on 18.01.2006. The judgment of conviction and order of sentence was passed on 18.05.2007 passed by Judicial Magistrate Ist Class, Amritsar. The

Appeal filed against the order of conviction was dismissed on 24.02.2009 by the Additional Sessions Judge, Amritsar. The instant revision petition was filed on 17.03.2009 and has come up for final hearing now i.e. after a period of more than 19 years from the date of institution of complaint under Section 138 of the Negotiable Instruments Act, 1881.

3. The brief facts of the case are that the accused in discharge of his liability to pay an amount of Rs.1,50,000/- to the complainant, issued a cheque in favour of the complainant bearing No.445071 dated 10.10.2005 for a sum of Rs.1,50,000/- from his account No.143215291 drawn on Bank of Punjab Limited, Court Road Branch, Amritsar. At the time of issuance of the said cheque, the accused assured the complainant that the said cheque would be encashed on its presentation in the bank. The complainant presented the cheque for encashment to his bank i.e. HDFC Bank Ltd., Kabir Park Branch, Amritsar but the same was returned unpaid with the remarks "Insufficient Funds" vide memo dated 25.11.2005. The complainant issued a notice of demand to the accused but the accused did not pay the amount of cheque, which necessitated the filing of the instant complaint.

4. Thereafter, the complainant lead his preliminary evidence and the accused was summoned to face trial for having committed an offence under section 138 of Negotiable Instruments Act.

5. On appearance, the accused was admitted to bail. Notice of accusation under Section 138 of the Negotiable Instruments Act was served upon him. He pleaded not guilty and claimed trial.

6. During post summoning evidence the complainant himself stepped into the witness box as CW-1, before closing the evidence.

7. The accused was confronted with the incriminating evidence during his statement under section 313 Cr.P.C. He denied the allegations of

the complainant.

8. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of Judicial Magistrate Ist Class, Amritsar vide judgment and order of sentence dated 18.05.2007 as under:-

Offences under Section	Sentence	Fine	In Default of Payment of Fine
Section 138 of NI Act	RI for 02 Years	Rs.5000/- each	RI for 01 Week

9. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Amritsar vide judgment dated 24.02.2009.

10. The aforementioned judgments are under challenge in the present revision petition.

11. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 08.05.2009.

12. The Amicus Curiae for the accused/petitioner at the very outset on the basis of the instructions of the accused/petitioner-Gurinderjit Singh who is present in Court states that she does not wish to challenge his conviction but as he is ready and willing to compensate the complainant/respondent no.1, his sentence be reduced to the period already undergone by him.

13. The Amicus Curiae for the complainant/respondent no.1 on the other hand contends that the complainant/respondent no.1 is not traceable having gone to Australia. She however contends that as the offence stands established beyond reasonable doubt, the accused/petitioner is not entitled to any sympathy.

14. The State Counsel has placed on record the custody certificate dated 26.05.2025 as per which the accused/petitioner has undergone total

custody of 08 months and 25 days out of his substantive sentence of 02 years.

15. I have heard counsel for the parties.

16. Admittedly, the cheque of Rs.1,50,000/- came to be dishonoured leading to the filing of the complaint and the conviction of the accused/petitioner by the Trial Court which conviction came to be upheld by the appellate Court. Therefore as the offence stands established the instant petition stands dismissed.

17. As regards the imposition of sentence, it may be noted that the complaint came to be instituted on 18.01.2006. The accused/petitioner was convicted and sentenced vide judgment 18.05.2007 and the appeal against the judgment of conviction was dismissed on 24.02.2009. The instant revision petition was admitted on 17.03.2009 and has come up for final hearing today i.e. after more than 19 years. The accused/petitioner is ready and willing to make a payment of Rs.2,00,000/- to the complainant. Therefore, while upholding his conviction, subject to a payment of Rs.2,00,000/- as compensation to the complainant/his legal heirs, I deem it appropriate to reduce the substantive sentence of the accused/petitioner to the period already undergone by him i.e. 08 months and 25 days. The sentence of fine and sentence in default of payment of fine shall however remain intact.

18. The aforesaid amount of Rs.2,00,000/- as compensation be disbursed to the complainant/his legal heirs against proper receipt and identification. Till the time of its disbursement, the aforesaid amount be kept in a fixed deposit of a nationalised bank fetching maximum rate of interest with the Trial Court concerned.

19. The present revision petition stands disposed of in the above terms.

**(JASJIT SINGH BEDI)
JUDGE**

May 26, 2025

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>