

(2012) 03 P&H CK 0511

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Revision No. 1909 of 2011 (O and M)

Pal Singh

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision: March 13, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 357
- Negotiable Instruments Act, 1881 (NI) - Section 138

Citation: (2012) 3 BC 645 : (2012) 2 RCR(Criminal) 526

Hon'ble Judges: Rakesh Kumar Garg, J

Bench: Single Bench

Advocate: Harish Panwar, for the Appellant; Raja Sharma, AAG, Haryana for the State and Mr. G.C. Shahpuri, Advocate for the Respondent No. 2, for the Respondent

Judgement

Rakesh Kumar Garg, J.

The petitioner was convicted u/s 138 of the Negotiable Instruments Act, 1881 vide judgment dated 15.3.2010 passed by Judicial Magistrate, 1st Class, Yamunanagar at Jagadhri and sentenced to undergo simple imprisonment for one year with further direction to pay compensation of Rs. 2 lacs to the complainant vide order dated 16.3.2010. The aforesaid judgment and order were affirmed by the Additional Sessions Judge, Yamunanagar at Jagadhri vide his judgment dated 5.8.2011. In the instant revision petition, the accused-petitioner has challenged the aforesaid judgments of the Courts below.

2. On August 25, 2011, after noticing the contention raised on behalf of the petitioner, following order was passed by this Court:

Learned Counsel for the petitioner wants to seek instructions with regard to payment of cheque amount.

Adjourned to 13.9.2011.

3. Thereafter, on September 22, 2011, this Court issued notice qua sentence only. However, on January 9, 2012, following order was passed by this Court:

Custody certificate of the accused has been produced in Court.

It has been informed that the petitioner has not paid the compensation as granted by the trial Court u/s 357, Cr.P.C.

Let the petitioner pay the aforesaid amount of compensation to respondent No. 2 on or before the next date of hearing.

List on 13.3.2012.

4. Today learned Counsel appearing on behalf of the complainant has stated that the aforesaid order dated 9.1.2012 has not been complied with.

5. Counsel for the petitioner has very fairly stated that the petitioner is not ready to pay even the cheque amount what to talk of compensation amount, as ordered by the trial Court and has prayed that the Court may decide the revision petition on the question of quantum of sentence irrespective of the payment of cheque amount.

6. Keeping in view the conduct of the petitioner, which is reflected by the aforesaid orders passed by this Court and the facts and circumstances of the case, no leniency can be shown to him in the matter of quantum of sentence.

7. No other argument has been raised. Dismissed.