
(1999) 10 P&H CK 0119
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 1416 of 1998

Satya Narain Upadhaya alias Fauji

APPELLANT

Vs

Baldev Raj Mittal and Another

RESPONDENT

Date of Decision : 05-10-1999

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 401
Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2000) 124 PLR 18

Hon'ble Judges : Bakhshish Kaur, J

Bench : Single Bench

Advocate : Party in Person, Anil Shukla and B.S. Wali, for the Appellant; B.D. Sharma and A.R. Sidhu, D.A.G., for the Respondent

Judgement

Bakhshish Kaur, J.—Heard.

2. Satya Narain, petitioner was convicted for offence u/s 138 of the Negotiable Instrument Act and was sentenced to undergo R.I for nine months and fine of Rs. 200/-; in default to further undergo R.I. for one month, by the Judicial Magistrate, 1st Class, Jalandhar, which was affirmed by the learned Sessions Judge, Jalandhar. Therefore, aggrieved by the said order, the petitioner has preferred this criminal revision.

3. As per case of the complainant, Satya Narain had borrowed Rs. 30,000/- from Baldev Raj and issued a cheque for the same amount on demand. On presentation of the cheque, the same was dishonoured, therefore, complaint u/s 138 of the Negotiable Instruments Act was filed.

4. During the pendency of the proceedings, the complainant has received Rs. 40,000/- which was subject matter of dispute between the parties.

5. Considering the fact that the complainant has received the amount since and the accused has remained in custody of for nearly one month, therefore, the sentence awarded to the petitioner is reduced to one already undergone.

Petition stands disposed of.