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Court : Madhya Pradesh

Decided On : Jan-08-2014

Appellant : Krishnpal Singh

Respondent : Suresh Malviya Judgement Given By: Hon'ble Shri Justice Tarun Kumar Kaushal

Judgement :

Cr.R.No.106/2013 08.01.2014 Shri Satyam Agrawal, Advocate for the applicant.

Respondent/State by Shri R.S.Shukla, Panel Lawyer.

Shri Surendra Patel, Advocate for the respondent no.1.

Heard.

This petition has been preferred against the order dated 14/05/2012 passed by JMFC, Sehore in Criminal case No.1053/2008, convicting the petitioner under section 138 of Negotiable Instruments Act (NI Act in short) and sentenced to 6 months R.I and with fine/compensation of Rs.1,37,600/-.

Aforesaid finding was affirmed by order dated 10/01/2013 in Criminal Appeal No.151/2012 passed by IIIrd Additional Sessions Judge, Sehore.

Learned counsel for applicant submits that on 21/05/2008 cheque of Rs.80,000/- was issued by the applicant while he was minor and right now applicant is young boy of 20 years only.

Without making much comment on merits of the case, learned counsel for applicant submits that he has already paid Rs.1,13,000/- as against aforesaid cheque of Rs.80,000/- during couRs.of trial and applicant has already suffered 20 days custody also in this matter.

For amount of Rs.80,000/- of the year 2008, no useful purpose would be served in sending the applicant now again back in jail and jail sentence may be reduced to already undergone period of 20 days and so far as fine sentence/compensation is concerned, applicant has already paid Rs.1,13,000/-.

Learned counsel for respondent/complainant submits that it was deliberate mischief on the part of the applicant and in these cases normally equal amount of cheque as compensation should be paid to the complainant.

Considering the aforesaid, I deem it to be fit case for interference on the point of sentence alone.

For offence under section 138 NI Act, applicant is sentenced to already undergone jail sentence ie of 20 days and with fine/compensation of Rs.1,18,000/-.

Meaning thereby that now applicant shall pay Rs.5000/- more to the complainant by way of compensation, in addition to what has been already paid by him to complainant.

Let parties may appear before the trial court on or before 25th March, 2014 to give and receive the balance amount of Rs.5000/- and in case of default of payment, of balance amount, applicant shall suffer one week simple imprisonment as the case may be.

Accordingly, this revision is allowed in part as indicated above.

(Tarun Kumar Kaushal) Judge tarun

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