

Complaint Regd. No. 275-2022

Punjab National Bank Mair Vs. Simmi Devi

16.10.2023

Present: Sh. Smt. Chhaya Jaggi, Ld. Advocate for complainant.
Accused in person with Sh. Vijay Verma, Ld. Advocate.

Vide my separate judgment of even date on the file, the accused is hereby **convicted** under Section 138 of Negotiable Instruments Act. File be put up for hearing on quantum of sentence after respite.

Announced and signed in the open Court on this 16th day of October, 2023.

(Anulekha Tanwar)
Judicial Magistrate First Class
Court No.4, Hamirpur(H.P.)

Called again after respite

16.10.2023

Present: Sh. Smt. Chhaya Jaggi, Ld. Advocate for complainant.
Convict in person with Sh. Vijay Verma, Ld. Advocate.

Vide my separate order of even date on the file, The convict was held guilty of commission of offence punishable under Section 138 of Negotiable Instruments Act vide judgment dated 16.10.2023. Thereafter, arguments on quantum of sentence were heard.

2. Learned counsel for the complainant has submitted that as the convict has been held guilty by this court for the offence punishable under Section 138 Negotiable Instruments Act for dishonour of cheque no. 125823 dated 09.08.2022 of PNB, Mair, Hamirpur, H.P. amounting to Rs. 1,45,331/-, so she is liable to be meted with the punishment as provided by law for the same and has also prayed for awarding suitable compensation.

3. On the other hand, the learned counsel for the convict

has submitted that no previous conviction on similar charge has been alleged and proved against her and has prayed for taking lenient view.

4. After duly considering the submissions on behalf of the parties and the facts and circumstances, to my mind, benefit of Section 4 Probation of Offenders Act cannot be extended to the accused. However, balancing the rival interests, in regard to the sentence of imprisonment, as may be awarded to the convict, lenient view may be taken in view of submissions on behalf of the convict and for loss and harassment, as suffered by the complainant, it may be suitably compensated in terms of money.

5. Consequently, considering all the aspects of the case and submissions on behalf of both the parties, the convict Simmi Devi is hereby sentenced to Simple Imprisonment for a period of Six months and also in the entirety of facts and circumstances of the case, the complainant bank is hereby awarded a compensation to the tune of ₹1,60,000/- from and against the convict Simmi Devi.

6. In default of payment of compensation, the convict shall undergo further Simple Imprisonment for a term of three months.

Let a copy of judgment and this order be supplied to the convict free of cost.

Case file, after due completion, be consigned to the record room.

(Anulekha Tanwar)

Judicial Magistrate First Class,
Court No.IV, Hamirpur (H.P.)