

And
Bhupinder Singh Sawhney Vs. State of Punjab & Anr.

And
M/s Scott Ind. Ltd. Vs. M/s Kouton Retail India (Ltd.) & Ors.

IN THE COURT OF RAKESH KUMAR,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA

Appeal No.1

CNR No.
PBKP010009352018



Case No. CRA/33/2018

Presented on : 12-02-2018

Registered on : 14-02-2018

Decided on : 04-11-2022

Gurmeet Singh Sawhney, s/o Basant Singh Sawhney, r/o A-39, Rosewood
City, Sector-49-50, Gurugram, Haryana.

.... Appellant/accused.

Versus

1. State of Punjab, through Prosecution Branch (Crl.), Kapurthala District Court, Punjab;

.... Respondent No.1.

2. M/s Scott Industries Limited having registered office at Sukhjit Road, Phagwara, District Kapurthala, through its authorized representative.

.... Respondent No.2.

Criminal appeal against judgment of conviction and order of sentence both dated 16.01.2018, passed by the Court of Ms.Monika Chouhan, PCS, Judicial Magistrate 1st Clsas, Phagwara, District Kapurthala.

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Present: Appellant Gurmeet Singh Sawhney – Absent
(Represented by counsel Sh.L.M.Grover, Advocate).
Ms.Aarti Mehta, Addl. PP for the State – Respondent No.1.
Sh.S.N.Aggarwal, Adv., counsel for the respondent No.2.

Appeal No.2

CNR No.
PBKP010009422018



Case No. CRA/37/2018

Presented on : 12-02-2018
Registered on : 14-02-2018
Decided on : 04-11-2022

Bhupinder Singh Sawhney, s/o Basant Singh Sawhney, r/o A-41,
Rosewood City, Sector-49-50, Gurugram, Haryana.

.... Appellant/accused.

Versus

1. State of Punjab, through Prosecution Branch (Crl.), Kapurthala District Court, Punjab;

.... Respondent No.1.

2. M/s Scott Industries Limited having registered office at Sukhjit Road, Phagwara, District Kapurthala, through its authorized representative.

.... Respondent No.2.

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Ms.Monika Chouhan, PCS, Judicial Magistrate 1st Clsas,
Phagwara, District Kapurthala.

Present: Appellant Bhupinder Singh Sawhney – Absent
(Represented by counsel Sh.L.M.Grover, Advocate).
Ms.Aarti Mehta, Addl. PP for the State – Respondent No.1.
Sh.S.N.Aggarwal, Adv., counsel for the respondent No.2.

Appeal No.3

CNR No.
PBKP010028922018



Case No. CRA/118/2018

Presented on : 05-06-2018
Registered on : 05-06-2018
Decided on : 04-11-2022

M/s Scott Industries Ltd., having registered office at Sukhjit Road,
Phagwara, District Kapurthala, through Vipin Chander Sharma, s/o
Kailash Chander Sharma – authorized person of the company.

.... Appellant.

Versus

1. M/s Kouton Retail India (Ltd.), through Bhupinder Singh Sahni,
Managing Director & CEO, T-60/1, DCM School Road, Karol

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Bagh, New Delhi-1100015;

2. Bhupinder Singh Sahni, Managing Director M/s Kouton Retail India (Ltd.), T-60/1, DCM School Road, Karol Bagh, New Delhi-1100015, presently resident of A-41, Rosewood City, Sector 49-50, Gurugram, Haryana;
3. Gurmit Singh Sahni, s/o Basant Singh Sahni, present resident of A-39, Rosewood City, Sector 49-50, Gurugram, Haryana.

.... Respondents.

Criminal appeal against judgment of conviction and order of sentence both dated 16.01.2018, passed by the Court of Ms.Monika Chouhan, PCS, Judicial Magistrate 1st Clsas, Phagwara, District Kapurthala.

Present: Sh.S.N.Aggarwal, Adv., counsel for the appellant.
Sh.Darshan Singh, Adv., counsel for the respondents.

J U D G M E N T

This judgment shall dispose of above-mentioned three appeals, as these are interconnected with each other, the first two appeals are filed by the appellant/ accused Gurmeet Singh Sawhney & co-accused Bhupinder Singh Sawhney along with the appeal filed by the complainant against the judgment of conviction and order of sentence both dated 16.01.2018, passed by the Court of Ms.Monika Chouhan, PCS, Judicial Magistrate 1st Class, Phagwara, District Kapurthala, vide which the appellants-accused Gurmeet Singh Sawhney & Bhupinder Singh Sawhney

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were convicted U/s 138 of Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year each and to pay fine of Rs.5,000/- each. In default of payment of fine, they were further to undergo Simple Imprisonment for one month each. However, accused Nos.1, 3 and 5 remained proclaimed persons and complaint against accused Nos.6 to 10 dismissed, vide order dated 08.12.2011. Moreover, the third appeal by the complainant to modify the judgment of sentence dated 16.01.2018, vide which the appellants/ accused Gurmeet Singh Sawhney & Bhupinder Singh Sawhney were convicted, as aforesaid, without imposing any compensation upon them, as such, to enhance the sentence for the period of two years and compensation to the tune of double the amount of cheque, has been filed.

2. Brief facts of the present complaint are that complainant company has dealings with M/s Kouton Retail India Ltd., the accused company. It has further been averred that Mr. Bhupinder Singh Sawhney – accused No.2, for and on behalf of the company, issued 12 cheques bearing Nos.336687, 336688, 336689, 336690, 336692, 336693, 336694, 336695, 336696, 336697, 336698 and 336699 all dated 30.12.2010 for Rs.5 lac each, in favour of complainant against their existing liability. On presentation of the aforesaid cheques for encashment, the same were returned as dishonored with 12 memos dated 30.12.2010 with the reason “*Insufficient Funds*”. Thereafter, the complainant also sent a legal notice

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dated 06.01.2011, despite which, the accused failed to make the payment.

Hence, the present complaint.

3. After recording preliminary evidence, the accused were ordered to be summoned to face trial for the offence punishable under Section 138 of the Act by the trial Court. It is pertinent to mention here that vide order dated 09.08.2011, passed by the Hon'ble High Court, the summoning order was set-aside. Thereafter, the complainant adduced fresh evidence and vide order dated 08.12.2011, passed by the learned Sub Divisional Judicial Magistrate, Phagwara, accused Nos.1 to 5 were summoned to face trial. However, accused Nos.1 to 5 failed to appear in the court and they were declared proclaimed persons vide order dated 04.12.2012 and file was consigned to the record room. Afterwards, vide order dated 31.03.2015, the case was restored. Afterwards, vide order dated 21.04.2015, the present complaint along with documents, was ordered to be returned to the complainant for presentation at Gurgaon Courts and complainant filed application for extension of time, which was allowed vide order dated 28.05.2015. Thereafter, as per order dated 04.02.2016, passed by the Hon'ble High Court, the order dated 21.04.2015 (returning the present complaint) was set-aside. The accused Nos.2 and 4 were released on bail vide order dated 16.02.2016. Accordingly, accused were served with notice of accusation, to which they pleaded not guilty and claimed trial.

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4. In order to prove his case, Vipin Chander Sharma was examined as CW1 and vide his affidavit Ex.CA1, he reiterated the version of complaint. In documentary evidence, complainant placed/ proved on record various important documents pertaining to the present case i.e. copy of resolution Ex.C1; cheques Ex.C2 to Ex.C13; memos Ex.C14 to Ex.C37; copy of list of directors Ex.C38; copy of legal notice Ex.C39; postal receipts Ex.C40 to Ex.C49 and UPC receipt Ex.C50.

5. Incriminating circumstances appearing against the accused in the evidence of the complainant, were put to them while recording their statements U/s 313 of Cr.P.C. They denied all these allegations and pleaded their false implication. They have further pleaded that they have undergone imprisonment for more than one year in Tihar Jail Delhi in the present case. They have not issued the cheque in question to the complainant against legal debt or liability of the company. The company M/s Koutons Retail India Ltd. Has been winded up by order dated 13.05.2013 of the Hon'ble Delhi High Court. The cheque in question is without any consideration and any existing liability. They are not aware about the dealing of the company with the complainant company. No legal notice has been issued by the complainant and they have not received any legal notice of dishonoured cheques. The complainant has not placed on record any document relating to alleged business transaction of the accused company. The entire case along with all the averments in it are

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false, fabricated and flagrant abuse of process of law. Accused Gurmeet Singh Sawhney also stated that the cheques in question do not bear his signatures.

6. After hearing learned counsel for the complainant and learned defence counsel, learned trial court convicted and sentenced the accused in this case, vide judgment of conviction and order of sentence, dated 16.01.2018, as indicated in para no.1 of this judgment.

7. Having felt aggrieved against the said judgment of conviction and order of sentence dated 16.01.2018, passed by the trial Court, appellants/ accused Gurmeet Singh Sawhney, Bhupinder Singh Sawhney and complainant M/s Scott Ind. Ltd., preferred these connected appeals, which have been contested by the parties through their respective counsel. Trial court record has also been summoned.

8. During the pendency of this appeal, the appellants/ accused Gurmeet Singh Sawhney and Bhupinder Singh Sawhney have not come present, and the case has been fixed for arguments. However, learned counsel for the appellants has argued in the present case.

9. This court is of the view that the present appeal can not be adjourned again on account of the absence of the accused and moreover, learned counsel for the appellants/ accused is present and ready for arguments. Even Hon'ble Supreme Court in ***“Bani Singh Vs. State of U.P. 1996(3) RCR (Criminal) 201”*** categorically held for the purpose

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of deciding the appeal, there is no legal requirement for the presence of the accused. For the purpose of ready reference to the judgment ***Bani Singh (supra)*** re-produced as under:-

“14. We have carefully considered the views expressed in the said two decisions of this Court and, we may state that the view taken in Shyam Deo's case appears to be sound except for a minor clarification which we consider necessary to mention. The plain language of Section 385 makes it clear that if the Appellate Court does not consider the appeal fit for summary dismissal, it 'must' call for the record and Section 386 mandates that after the record is received, the Appellate Court may dispose of the appeal after hearing the accused or his counsel. Therefore, the plain language of Sections 385-386 does not contemplate dismissal of the appeal for non-prosecution simpliciter. On the contrary, the Code envisages disposal of the appeal on merits after perusal and scrutiny of the record. The law clearly expects the Appellate Court to dispose of the appeal on merits, not merely by perusing the reasoning of the trial court in the judgment, but by cross-checking the reasoning with the evidence on record with a view to satisfying itself that the reasoning and findings recorded by the trial court are consistent with the material on

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record. The law, therefore, does not envisage the dismissal of the appeal for default or non-prosecution but only contemplates disposal on merits after perusal of the record. Therefore, with respect, we find it difficult to agree with the suggestion in Ram Naresh Yadav's case that if the appellant or his pleader is not present, the proper course would be to dismiss an appeal for non-prosecution.

15. Secondly, the law expects the Appellate Court to give a hearing to the appellant or his counsel, if he is present, and to the Public Prosecutor, if he is present, before disposal of the appeal on merits. Section 385 posits that if the appeal is not dismissed summarily, the Appellate Court shall cause notice of the time and place at which the appeal will be heard to be given to the appellant or his pleader. Section 386 then provides that the Appellate Court shall, after perusing the record, hear the appellant or his pleader, if he appears. It will be noticed that Section 385 provides for a notice of the time and place of hearing of the appeal to be given to either the appellant or his pleader and not to both presumably because notice to the pleader was also considered sufficient since he was representing the appellant. So also Section 386 provides for a hearing to be given to the appellant or his lawyer, if he is

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present, and both need not be heard. It is the duty of the appellant and his lawyer to remain present on the appointed day, time and place when the appeal is posted for hearing. This is the requirement of the Code on a plain reading of Sections 385-386 of the Code. The law does not enjoin that the Court shall adjourn the case if both the appellant and his lawyer are absent. If the Court does so as a matter of prudence or indulgence, it is a different matter, but it is not bound to adjourn the matter. It can dispose of the appeal after perusing the record and the judgment of the trial court. We would, however, hasten to add that if the accused is in jail and cannot, on his own, come to court, it would be advisable to adjourn the case and fix another date to facilitate the appearance of the accused/appellant if his lawyer is not present. If the lawyer is absent, and the court deems it appropriate to appoint a lawyer at State expense to assist it, there is nothing in the law to preclude it from doing so. We are, therefore, of the opinion and we say so with respect, that the Division Bench which decided Ram Naresh Yadav's case did not apply the provisions of Sections 385/386 of the Code correctly when it indicated that the Appellate Court was under an obligation to adjourn the case to another date if the appellant or his lawyer remained

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absent.

16. Such a view can bring about a stalemate situation. The appellant and his lawyer can remain absent with impunity, not once but again till the Court issues a warrant for the appellant's presence. A complaint to the Bar Council against the lawyer for non-appearance cannot result in the progress of the appeal. If another lawyer is appointed at State cost, he too would need the presence of the appellant for instructions and that would place the Court in the same situation. Such a procedure can, therefore, prove cumbersome and can promote indiscipline. Even if a case is decided on merits in the absence of the appellant, the High Court can remedy the situation if there has been a failure of justice. This would apply equally if the accused is the respondent for the obvious reason that if the appeal cannot be disposed of without hearing the respondent of his lawyer, the progress or the appeal would be halted.”

10. Learned counsel for the appellants has vehemently contended that the impugned judgment is a non-speaking judgment, based on mere presumption and is not sustainable in the eyes of law. The learned trial court has hopelessly failed to appreciate the fact that appellants have proved their defence on preponderance of probabilities. It has been contended that during pendency of complaint, the accused No.1 company

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vide order dated 13.05.20213, was winded up by the order of Hon'ble High Court of Delhi. The learned trial court has not passed the impugned judgment on the basis of evidence lead by the parties, rather opted for pick and choose policy with respect to evidence, lead by the appellants. As per establish law, the complainant has to prove its case beyond all the reasonable doubts, which it failed to do so. The complaint is not maintainable, as not filed by its authorized representative. No mandatory notice under section 251 Cr.P.C. has been framed upon the appellants by the learned trial court. There was no legally enforceable debt or liability against the accused on date of issuance of cheques in question, as the same were issued as blank signed security cheques. The complainant has failed to produce on record any invoice/ bill and statement of account, so, adverse inference to be drawn as per the provision of section 114 of Indian Evidence Act, 1872. The learned trial court did not consider the fact that appellants have already suffered approximately two years in jail in different cases, on the basis of alleged dealings of accused company and 10 months 24 days in the present matter. The learned counsel for the appellants drawn the attention of this court towards the defence taken by the accused in their statement recorded under Section 313 Cr.P.C..

11. On the other hand, learned counsel for the complainant has contended in the lines of grounds of appeal. He has contended that learned trial court did consider act and conduct of appellants, who after their

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summoning, intentionally did not appear before the court and were declared proclaimed persons by the learned trial court. The complaint was filed by the complainant on 14.02.2011 and it remained pending for about 7 years due to the delaying tactics of accused. It has been contended that learned trial court did not consider the heavy amount in lacs is covered by the cheques in question, which were issued by the accused to make part payment. The accused have intentionally failed to discharge their liability towards the complainant. It has further been contended that while granting the sentence, the learned trial court took a very lenient view and awarded sentence of only one year SI along with fine of Rs.5000/- only. The order passed by the learned trial court regarding non payment of compensation is arbitrary and based on conjectures and surmises. Therefore, the complainant has been able to prove this case. Lastly, a prayer has been made for enhancement of sentence and that amount of fine be also enhanced and compensation may also be granted to the tune of double the amount of cheque in question.

12. I have paid a considerable thought to the submissions of parties and have gone through the record pertaining to this case, with their able assistance.

13. First of all, it is important to discuss Section 118 of the Act, which provides presumptions to be raised until the contrary is proved (i) as to consideration, (ii) as to date of instrument, (iii) as to time of

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acceptance, (iv) as to appropriate stamp and (v) as to holder being a holder in due course and inter-alia directs that it shall be presumed, until the contrary is proved, that every negotiable instrument was made or drawn for consideration. Section 139 of the Act stipulates that unless the contrary is proved, it shall be presumed, that the holder of the cheque received the cheque for discharge of whole or part of any debit or liability.

14. Thus, applying the provision of section 118 and 139 of the Act, it becomes apparent that in a trial under section 138 of the Act, a presumption will have to be made that every negotiable instrument was made or drawn for consideration and that it was executed for discharge of debt or liability, once the execution of negotiable instrument is either prove or admitted. As early as the complainant discharge the burden to prove that the instrument, say a note, was executed by the accused, the rules of presumptions under section 118 and 139 of the Act help him shift the burden on the accused. A presumption is not itself evidence, but only makes a prima-facie case for a party for whose benefit it exists.

15. The star witness of the complainant i.e. CW-1 Vipin Chander Sharma, has categorically stated in his cross-examination that he is working as Manager Account in M/s Sukhjit Starch and Chemical Limited. He further stated that he is fully aware about the facts of the present case as well as other connected cases. He is also aware of the contents of his affidavit Ex.CA-1, which was prepared under his

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instructions. He has further replied that he is also employed in Legal Department of M/s Sukhjit Starch and Chemical Limited. The Resolution Ex.C1 was signed by Sh.S.M.Jinda, Director of the complainant company. This witness has further stated that he came to know about dealing of M/s Koutons Retails India Ltd., when the cheques, which are subject matter of the present case, handed over to him after dishonour of the same. He has further stated that accused have Rs.2 crore liability against the complainant company and it has been mentioned in the title of the complaint that Sh.Bhupinder Singh Sawhney is Managing Director and Sh.Gurmeet Singh Sawhney is Deputy Managing Director of accused No.1 company. This witness was cross-examined at length, but nothing emerged out of his cross-examination, which could support the accused.

16. I do not find any substance in the argument raised by learned counsel for the accused that complaint is not filed by any authorized person and no resolution of the company is placed on record. Perusal of the file reveals that complainant had proved Ex.C1 i.e. Resolution for filing and pursuing the complaint. Moreover, no evidence had been adduced by the accused to rebut the resolution Ex.C1. In this regard, I draw my inference from the law laid down in ***Sarathi Leasing Finance Limited, Mangalore Vs. B. Narayana Shetty 2006(3) Civil Court Cases 112 (Karnataka)***. In this authority, it has been held by the Hon'ble Karnataka High Court that *complaint filed by Managing Director-A*

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responsible officer or office bearer of company can file complaint under section 138 of the Act-Question whether such officer had been specifically authorized to file the complaint on behalf of the company does not arise at all. Further, it was held that 'on a combined reasing of sections 4(2) and 190 of the Cr.P.C., it is clear that anyone can set the criminal law in motion by filing a complaint of facts constituting an offence before a Magistrate entitled to take cognizance under section 190 and no court can decline to take cognizance on the sole ground that the complainant was not competent to file the complaint. But where any special statute prescribes offences and makes any special provision for taking cognizance of such offence under the statute, the complainant requesting the Magistrate to take cognizance of the offence must satisfy the eligibility criterion prescribed by the statute.' Thus, in the light of aforesaid law, it is held that present complaint had been filed by a duly authorized person of complainant company.

17. Another contention raised by learned counsel for the accused that both the accused are not liable for the cheques, issued by the company and moreover, Bhupinder Singh Sawhney is only signatory on behalf of the company and Gurmeet Singh Sawhney is none else, is only Deputy Managing Director of the Company. There is no force in this contention of learned counsel for the accused. Section 141 of the Negotiable Instruments Act clearly stipulate hat when a person, who is a

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company commit offence, then certain persons incharge as well as company would be deemed to be liable for the offence under section 138 of the Negotiable Instruments Act. In this regard, I draw my inference from the law laid down by the Hon'ble Supreme Court of India in ***K.K.Ahuja Vs. V.K.Vora and another (2009) 10 Supreme Court Cases 48***. In this authority, it was held by the Hon'ble Supreme Court that *Negotiable Instruments Act, 1881 – Ss. 141 and 138 – Dishonour of cheque, offence by company, vicarious liability of persons of the company, when arises, essential averments in the complaint, requirement of held persons/ officers, who were in charge of an also responsible for the conduct of business of the company, are vicariously liable for the offence of company. Hence, no specific averment in complaint as to role of each is required and duly affirmed sworn statement to that effect, may be sufficient*. In this regard, I draw my inference from the law laid down in ***Mainuddin Abdul Sattar Shaikh Vs. Vijay D. Salvi Vol. CLXXXI(2016-1) The Punjab Law Reporter 433 (SC)***, wherein it was held that *Negotiable Instruments Act, 1881 (26 of 1881) Section 138 Drawer of the cheque is liable – Even though the Company had not been named in the notice or the complaint. There was no necessity for the appellant to prove that the said respondent was incharge of the affairs of the company, by virtue of the position he held – is liable in his personal capacity*.

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18. Thus, in view of the above discussion, it has been duly proved on record that accused Bhupinder Singh Sawhney and Gurmeet Singh Sawhney, are Managing Director and Deputy Managing Director of the accused No1. company and also incharge and responsible for the conduct and affairs of the business of accused No.1 company. Moreover, the accused failed to prove on record that they were not employees of the accused company and not responsible and incharge of the conduct of the business of the accused company.

19. Another contention raised by learned counsel for the accused that accused had not received any notice. There is no force in this contention. A careful perusal of the file reveals that notices were sent to the accused by the complainant company through registered post as well as through UPC. To prove this fact, complainant has placed on record postal receipt Ex.C40 to Ex.C49 and UPC receipt Ex.C50. However, the accused have failed to produce any evidence to rebut these documents.

20. There is another contention raised by the counsel appearing on behalf of accused that accused company had been winded up vide order dated 13.05.2013 by the order of the Hon'ble High Court. There is no force in this contention as well. No doubt, order dated 13.05.2013 of the Hon'ble High Court is on record regarding winding up process of the company, but the cheques in question were issued by the accused in the year 2010 and at that time, the company was very much in existence.

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Thus, the accused cannot take benefit of this plea. Moreover, in the present complaint, accused are liable under section 138 of N.I. Act as to the dishonour of the cheque in question.

21. The accused have nowhere denied their signatures on the cheques in question. So far the defence plea of the accused for issuance of blank signed security cheques by them is not sustainable in the eyes of law that no sane person will ever issue blank cheque by putting his signatures in favour of anyone else unless and until, that has been really warranted by business transaction. Though the accused have attempted to defame the complainant and to shake his credibility, but that is nothing to discard the version and evidence of present complaint against the accused. Otherwise also, the accused had failed to produce any evidence to prove that they were not employees of the accused company and not responsible and incharge of the conduct of the business of the accused company.

22. Moreover, once it has been proved on record that the cheque in dispute belongs to the accused and the same was dishonoured on account of remarks “insufficient funds”, then presumption is drawn against the appellant/ accused by virtue of Section 139 of the N.I. Act as reverse onus lies upon the appellants/ accused.

23. A case under Section 138 of Negotiable Instruments Act is different from any other criminal case. The reason is that ordinarily in a criminal case the burden of proof always rests on the prosecution to prove

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its case. But in a case under Section 138 of Negotiable Instruments Act legislature has introduced a reverse onus clause under Section 139 of Negotiable Instruments Act. So, the initial onus is on the accused to prove that he was not under any legal debt or liability towards the complainant. However, in this case the accused have miserably failed to rebut the presumption.

24. So far as arguments raised by the learned counsel for the complainant is concerned. I have minutely perused the case file along with the judgment passed by the learned lower court and having done the same, this court is of the considered view that learned lower court has considered each and every aspect of the present case while also taking into consideration the evidence produced by both the parties. Therefore, I do not find any illegality in the judgment of conviction and order of sentence passed by the learned lower court and the same is, hereby, affirmed.

25. Therefore, aforesaid discussion shows that the accused have issued the cheques in question in lieu of the legal liability subsisting against them on the date of issuance of the cheques in question, which have been dishonoured later on.

26. As far as sentencing part of the impugned judgment passed by the learned trial court is concerned, it is settled law that the fundamental purpose of imposition of sentence is based on the principles

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that the accused must realize that the crime committed by him has only created a dent in his life, but also concavity in the social fabric. It is also settled law that punishment should not be so lenient that it shakes the conscience of the society. Considering the degree of the offence and larger interest of the society this Court finds that there is no infirmity in the quantum of sentence passed by the learned trial Court and I do not find any infirmity in the same.

27. As a result of my above discussion, all the connected appeals fails and same stands dismissed and disposed of. Impugned judgment of conviction and order of sentence both dated 16.01.2018, passed by trial court, stand affirmed. Appellants/ accused Gurmeet Singh Sawhney and Bhupinder Singh Sawhney are already absent. Conviction warrants of the appellants/ accused be prepared and the same be sent to the court of learned Chief Judicial Magistrate, Kapurthala for making its compliance, and they be sent to Jail to undergo remaining part of the sentence awarded by trial court. Lower court record along with copy of this judgment be sent back forthwith. Appeal files be consigned to the record room.

Pronounced in open court.
Dated: 04.11.2022
(Kaushal)
(Directly dictated on computer)

(Rakesh Kumar)
Addl. Sessions Judge,
Kapurthala.
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M/s Scott Ind. Ltd. Vs. M/s Kouton Retail India (Ltd.) & Ors.

Gurmeet Singh Sawhney Vs. State of Punjab & Anr.

Present: Appellant Gurmeet Singh Sawhney – Absent
(Represented by counsel Sh.L.M.Grover, Advocate).
Ms.Aarti Mehta, Addl. PP for the State – Respondent No.1.
Sh.S.N.Aggarwal, Adv., counsel for the respondent No.2.

Once again, appellants/ accused Gurmeet Singh Sawheny and
Bhupinder Singh Sawhney have not appeared.

Arguments have been heard. Vide my separate detailed
common judgment of even date, all the connected appeals stands
dismissed with the observations as contained therein. Copy of this
judgment be placed in the connected appeal files accordingly. Trial court
file be returned along-with copy of this judgment. File be consigned to the
record room.

Pronounced in open court.
Dated: 04.11.2022
(Kaushal)

(Rakesh Kumar)
Addl.Sessions Judge,
Kapurthala.
UID No.PB0138

And
Bhupinder Singh Sawhney Vs. State of Punjab & Anr.

And
M/s Scott Ind. Ltd. Vs. M/s Kouton Retail India (Ltd.) & Ors.

Bhupinder Singh Sawhney Vs. State of Punjab & Anr.

Present: Appellant Bhupinder Singh Sawhney – Absent
(Represented by counsel Sh.L.M.Grover, Advocate).
Ms.Aarti Mehta, Addl. PP for the State – Respondent No.1.
Sh.S.N.Aggarwal, Adv., counsel for the respondent No.2.

Once again, appellants/ accused Gurmeet Singh Sawheny and
Bhupinder Singh Sawhney have not appeared.

Arguments have been heard. Vide my separate detailed
common judgment of even date, all the connected appeals stands
dismissed with the observations as contained therein. Copy of main
judgment has also been placed in the present connected appeal. Trial court
file be returned along-with copy of this judgment. File be consigned to the
record room.

Pronounced in open court.
Dated: 04.11.2022
(Kaushal)

(Rakesh Kumar)
Addl.Sessions Judge,
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And
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M/s Scott Ind. Ltd. Vs. M/s Kouton Retail India (Ltd.) & Ors.

M/s Scott Ind. Ltd. Vs. M/s Kouton Retail India (Ltd.) & Ors.

Present: Sh.S.N.Aggarwal, Adv., counsel for the appellant.
Sh.Darshan Singh, Adv., counsel for the respondents.

Arguments have been heard. Vide my separate detailed common judgment of even date, all the connected appeals stands dismissed with the observations as contained therein. Copy of main judgment has also been placed in the present connected appeal. Trial court file be returned along-with copy of this judgment. File be consigned to the record room.

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Dated: 04.11.2022
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