

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 1293/2011

Purushottam Purshottam S/o Shri Samratha Ji, R/o Village Ood,
Teshil & District Sirohi

-----Petitioner

Versus

1. Adarsh Credit Co-operative Society Limited, Head Office at
Sirohi through its Branch Manager (Recovery) Head Office Palace
Road, Sirohi, Shri Praveen Kansara Son of Shri Indra Mal.

2. State of Rajasthan

-----Respondent

Connected With

S.B. Criminal Revision Petition No. 469/2012

Purshottam S/o Shri Samratha Ji, R/o Village Uad, Teshil &
District Sirohi

-----Petitioner

Versus

1. State of Rajasthan

2. Adarsh Credit Co-operative Society Limited, Pradesh Office at
Sirohi through the Manager (Recovery) Shri Deepak Singh Son of
Mohan Singh Rajput, through its Branch Office at Palace Road,
Sirohi, District Sirohi.

-----Respondent

For Petitioner(s)	:	Mr. Shambhoo Singh Mr. JVS Deora
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For Respondent(s)	:	Mr. SS Rathore, PP Mr. Girish Sankhla
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HON'BLE MR. JUSTICE FARJAND ALI

Order

17/07/2025

S.B. Criminal Revision Petition No. 1293/2011:-

1. The petitioner was prosecuted for committing an offence
under the penal provision of Negotiable Instrument Act and finally

he was convicted and sentenced to undergo one year imprisonment and fine of Rs.35,000/-. The appeal filed by him was also dismissed, hence the instant revision petition.

2. I have heard learned counsel for the parties and gone through the judgment under assail so also perused the record of the case. The fact that the petitioner owe a sum with the respondent and for realization of the debt amount, he issued a cheque in his favour does not remain the disputed question of fact in light of the material brought on record and therefore, this Court feels that the judgment of conviction passed by Court of first instance and affirmed by the Court of appeal do not require any interference by this Court and thus, the instant petition is dismissed to this extent.

3. as far as the point of sentence is concerned, it is observed that the petitioner had remained in custody for more than six months for a debt of cheque amount of Rs.18,100/- and the circumstances emanating from the record propelling this Court to presume that he is an indigent person otherwise, no one would like to remain incarcerated only for want of amount.

4. The petitioner paid entire cheque amount to the respondent and it is not a disputed fact. Though the amount of fine was passed by learned trial court to be Rs.35,000/-. I am of the view that looking to the financial constraints and socio-economic stand of the petitioner and so also considering that he remained in jail for six months, the order of sentence passed by the Courts below requires modification.

5. Accordingly, the instant revision petition is disposed of and it is ordered that the finding of guilt arrived at by the trial court and

affirmed by the appellate court are further affirmed. The sentence part of both the Court below is set aside. It is ordered that the period undergone by him would serve the ends of justice. The cheque amount has already been paid, however, looking to the fact that the complainant had to battle with him and he was a justice seeker and remained in litigation without fault for around more than a decade therefore a further amount of compensation of Rs.5,000/- should be paid by the petitioner to him. Looking to the facts and circumstances of the case, it is ordered that the said amount shall be paid to Mr. Sankhla learned counsel appearing on behalf of the respondent within a period of three months from now. Upon doing so, the petitioner would not be required to surrender back. The bail bonds furnished by him before this Court are discharged.

6. Record be sent back forthwith.

S.B. Criminal Revision Petition No. 469/2012

1. The petitioner was prosecuted for committing an offence under the penal provision of Negotiable Instrument Act and finally he was convicted and sentenced to undergo two year imprisonment and fine of Rs.1,66,000/-. The appeal filed by him was also dismissed, hence the instant revision petition.

2. I have heard learned counsel for the parties and gone through the judgment under assail so also perused the record of the case. The fact that the petitioner owe a sum with the respondent and for realization of the debt amount, he issued a cheque in his favour does not remain the disputed question of fact

in light of the material brought on record and therefore, this Court feels that the judgment of conviction passed by Court of first instance and affirmed by the Court of appeal do not require any interference by this Court and thus, the instant petition is dismissed to this extent.

3. As far as the point of sentence is concerned, it is observed that the petitioner had remained in custody for more than eleven months for a debt of cheque amount of Rs.83,264/- and the circumstances emanating from the record propelling this Court to persecute that he is an indigent person otherwise, no one would like to remain incarcerated only for want of amount.

4. The petitioner paid sum of Rs.69,000/- and he is ready to pay further sum of Rs.21,000/- to the respondent. Though the amount of fine was passed by learned trial court to be Rs.1,66,000/-. I am of the view that looking to the financial constraints and socio-economic stand of the petitioner and so also considering that he remained in jail for six months, the order of sentence passed by the Courts below requires modification.

5. Accordingly, the instant revision petition is disposed of and it is ordered that the finding of guilt arrived at by the trial court and affirmed by the appellate court are further affirmed. The sentence part of both the Court below is set aside. It is ordered that the period undergone by him would serve the ends of justice. Looking to the fact that the complainant had to battle with him and he was a justice seeker and remained in litigation without fault for around more than a decade a further amount of Rs.21,000/- should be paid by the petitioner to him. Looking to the facts and circumstances of the case, it is ordered that the said amount shall

be paid to Mr. Sankhla learned counsel appearing on behalf of respondent within a period of three months from now. Upon doing so, the petitioner would not be required to surrender back. The bail bonds furnished by him before this Court are discharged.

6. Record be sent back forthwith.

(FARJAND ALI),J

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