

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2026 OF 2010
(arising out of SLP (Crl.) No. 6033 of 2010)

MANJIT KAUR

.....APPELLANT

VERSUS

KULWANT KAUR & ANR.

.....RESPONDENT

O R D E R

1. Leave granted.
2. Heard counsel for the parties.
3. The appellant issued a cheque of Rs.2,66,000/- in repayment of a loan to the complainant - respondent No.1. The cheque was dishonoured. The appellant failed to pay the cheque amount despite a notice in that regard given to her by the respondent. The respondent then filed a complaint which led to the trial in which the appellant was convicted under Section 138 of the Negotiable Instruments Act, 1881, and sentenced to rigorous imprisonment for two years and a fine of Rs.5,000/-; in default of payment of fine, the appellant was directed to undergo rigorous imprisonment for a further period of three months.
3. The appellate court affirmed the conviction and sentence awarded by the trial court.
4. In revision before the High Court, the only plea raised on behalf of the appellant was on the question of sentence. But the High Court rejected it without any consideration.
5. Counsel for the appellant submitted that the appellant was very poor. She was unable to pay even the fine, leave aside the amount of the dishonoured cheque.

.....2/-

: 2 :

6. The appellant is a woman. We are informed that she has five children. The youngest one is a daughter aged two years. She is too small to stay away from the mother and as a result she remains with the appellant inside the jail. Counsel for the appellant states that she is in jail from October 21, 2009 and thus she would complete one year of imprisonment in the next three days.
7. In the facts of the case, especially having regard to the circumstances of the appellant, we are satisfied that the sentence of one year would meet the ends of justice. We, accordingly, reduce the sentence of imprisonment to a period of one year and set aside the imposition of fine. Let the appellant be released on completion of the reduced sentence of imprisonment without any delay.
8. In the result, the appeal is partly allowed, as indicated above.

.....J
(AFTAB ALAM)

.....J
(R.M. LODHA)

NEW DELHI,
OCTOBER 18, 2010
ITEM NO.68

COURT NO.12

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).6033/2010

(From the judgement and order dated 16/11/2009 in CRLR No. 2881/2009
of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MANJIT KAUR

Petitioner(s)

VERSUS

KULWANT KAUR & ANR.

Respondent(s)

(With appln(s) for bail and office report)

Date: 18/10/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)

Mr. Vipin Gogia, Adv.
Mrs. Jaspreet Gogia, Adv.
Mr. B.P. Sharma, Adv.

For Respondent(s)

Mr. Malhar Singh Dhami, Adv.
Mr. R.C. Kaushik, Adv.
Mr. Shish Pal Laler, Adv.

Ms. Sidhi Arora, Adv.
for Ms. Madhu Tewatia, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.
The appeal is partly allowed.

(N.S.K. Kamesh)
Court Master

(S.S.R. Krishna)
Court Master

(signed order is placed on the file)