

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No.46 of 2026

Date of Decision : 31.08.2026

Bihari Lal

..... Petitioner

Versus

Himachal Pradesh Gramin Bank and another

.....Respondents

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the petitioner : Mr. Panku Chaudhary, Advocate.

For the respondents : Mr. K.B. Khajuria, Advocate, for respondent No.1.

Mr. Prashant Sen, Deputy Advocate General, for respondent No.2-State.

Bipin Chander Negi, Judge (oral)

The present criminal revision petition filed under Section 438/442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been filed against the judgment dated 01.05.2025, passed by the learned Additional Sessions Judge, Palampur, District Kangra, Himachal Pradesh, in Criminal Appeal No. 43 of 2019, titled as *Bihari Lal vs. Himachal Gramin Bank & Another*, upholding the judgment of conviction and order of sentence dated 26.02.2019, passed by the learned Judicial Magistrate First Class, Baijnath, District Kangra, Himachal Pradesh, in Criminal Case No. 13-III/2015, titled as *Himachal Pradesh Gramin Bank vs. Bihari Lal*.

2. Heard learned counsel for the parties and perused the impugned judgments as well as the record.

3. This Court has a very limited jurisdiction under Section 438/442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) to re-appreciate evidence, especially in view of the concurrent findings of fact and law relied upon by the Courts below. In this regard, reliance is placed upon the judgment passed by Hon'ble Apex Court in, ***State of Kerala Vs. Puttumana Illath Jathavedan Namboodiri (1999) 2 Supreme Court Cases 452***, wherein it has been held as under:-

"In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to re-appreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice."

4. The accused, i.e., the petitioner in the case at hand, had availed a loan of ₹3,00,000/- (Rupees Three Lakhs) from the respondent/complainant Bank. The concurrent finding returned in this respect cannot be faulted with. For discharging the outstanding loan liability to the tune of ₹3,58,320/- on 10.06.2014, the cheque in question

(Exhibit CW-1/B) had been issued by the petitioner/accused in favour of the respondent/complainant Bank. The signatures on the said cheque of the petitioner/accused are not disputed; the contents of the cheque are, however, being disputed.

5. In the aforesaid background, the learned First Appellate Court has correctly placed reliance upon Section 20 of the Negotiable Instruments Act, 1881, whereby, when an individual signs and delivers an incomplete negotiable instrument, he gives *prima facie* authority to the holder thereof to complete the same. The said finding calls for no interference by this Court.

6. The cheque (Exhibit CW-1/B) dated 10.06.2014 was presented by the respondent/complainant for collection. The same was dishonoured vide return memo (Exhibit CW-2/B) dated 11.06.2014. Subsequent thereto, within the prescribed period of validity, the cheque in the case at hand was again presented. The fate was the same. The cheque was dishonoured vide return memo (Exhibit CW-1/C) dated 16.08.2014. Within the prescribed period of 30 days, legal demand notice (Exhibit CW-1/D) dated 22.08.2014 was issued to the petitioner by the respondent/complainant Bank. The postal receipt is Exhibit CW-1/E. From a perusal of the acknowledgment receipt (Exhibit CW-1/F) dated 26.08.2014, it is evident that the same had been received by the petitioner/accused. Since the petitioner failed to make the payment despite receipt of legal notice, the cause of action arose to the

complainant on 10.09.2014. The complaint was filed on 09.10.2014, within the prescribed period of limitation.

7. The aforesaid concurrent findings returned by both the Courts below qua compliance of provisions of Sections 138 to 142 of the N.I. Act, in the case at hand, call for no interference by this Court. As correctly noticed by both the Courts below, the only defence raised by the petitioner/accused was with respect to the payment of ₹75,000/- after the accrual of the cause of action in the case at hand. Both the Courts have correctly held that the payment so made would have relevance only during the hearing on the quantum of sentence.

8. In the aforesaid factual and legal matrix, no case for any interference by this Court has been made out. Hence, the present revision petition is dismissed, being devoid of any merit, so also, the pending miscellaneous application(s), if any.

August 31, 2026 (KS)

(Bipin Chander Negi)
Judge