



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/142/2014</u> Narayan Singh --Revisionist Versus State Of Uttarakhand Through Principal Secretary Home, government Of Uttarakhand and Another --Respondents <u>Hon'ble Alok Mahra, J.</u> Mr. Pankaj Bhatt, learned counsel holding brief of Mr. Sanjay Bhatt, learned counsel for the revisionist. Mr. Dinesh Chauhan, learned A.G.A. for the State of Uttarakhand. Mr. I.D. Paliwal, learned counsel for respondent no. 2. 2. The present Criminal Revision has been preferred against the judgment and order dated 19.04.2014 passed by the learned District and Sessions Judge, Champawat in Criminal Appeal No. 13 of 2012, whereby the judgment and order dated 12.07.2012 passed by the learned Chief Judicial Magistrate, Champawat in Criminal Case No. 143 of 2011 under Section 138 of the Negotiable Instruments Act, 1881 was affirmed. By the judgment of the Trial Court, the revisionist was convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 1,30,000/-, with a further direction that, in default of payment of fine, he shall undergo simple imprisonment for a period of four months. 3. Learned counsel for the revisionist submitted that the cheque in question was not issued in discharge of any legally enforceable debt or liability. It was contended that the complainant had failed to establish the existence of any legally



		enforceable debt and, therefore, the statutory presumption stood rebutted. It was further submitted that despite the absence of cogent evidence establishing the liability of the revisionist, the learned Trial Court erroneously convicted him, which conviction was mechanically affirmed by the Appellate Court. 4. Per contra, learned counsel appearing for respondent no. 2 submitted that the revisionist had admitted his signatures on the cheque in question. It was contended that the complainant had advanced a friendly loan of Rs. 1,00,000/- to the revisionist and the cheque was issued towards repayment thereof. Upon presentation, the cheque was dishonoured for insufficiency of funds. Thereafter, after complying with all the mandatory requirements prescribed under Section 138 of the Negotiable Instruments Act, 1881, the complaint was instituted. It was submitted that both the Trial Court and the Appellate Court, after proper appreciation of the oral and documentary evidence, concurrently recorded findings of fact against the revisionist, which do not warrant any interference. 5. I have heard learned counsel for the parties and perused the material available on record. 6. The scope of interference in the exercise of revisional jurisdiction is well settled. The revisional Court does not sit as a Court of appeal to re-appreciate or re-evaluate the evidence merely because another view is possible. Interference is warranted only where the findings recorded by the Courts below suffer from patent illegality, perversity, material irregularity, or jurisdictional error resulting in a miscarriage of justice. 7. In the present case, the revisionist has admittedly not disputed his signatures on the cheque in question. Both the Courts
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		below have, upon appreciation of the evidence on record, concurrently held that the cheque was issued towards discharge of a legally enforceable debt and that all the ingredients of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 stood duly established. This Court does not find any perversity, illegality, or material irregularity in the appreciation of evidence by the Courts below. The findings recorded are based on the evidence available on record and do not call for interference in exercise of revisional jurisdiction. 8. Consequently, the present Criminal Revision, being devoid of merit, is dismissed. 9. Pending applications, if any, stand disposed of. 10. Let Trial Court Record be sent back. (Alok Mahra, J.) 30-07-2026 CHIKSHA SINGLA
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