



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/260/2025</u> Pankaj Tiwari --Revisionist Versus State Of Uttarakhand --Respondent with <u>CRLR No.262 of 2025</u> <u>Hon'ble Alok Mahra, J.</u> Mr. B.S. Koranga, Advocate for the revisionist. Mr. Vikas Uniyal, Brief Holder for the State of Uttarakhand. Mr. Heman Singh Mahra, Advocate for respondent no.2. 2. The Criminal Revision No.260 of 2025 has been filed by the revisionist challenging the judgment & order dated 21.03.2025 passed by learned Additional Sessions Judge, Ramnagar, District Nainital in Criminal Appeal No.77 of 2023, whereby the appeal preferred by the revisionist came to be dismissed. Revisionist has also challenged the judgment & order dated 09.11.2023 passed by learned Judicial Magistrate, Ramnagar, District Nainital in Criminal Case No.493 of 2019 whereby he was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. By the said judgment and order, the revisionist was convicted and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of ₹2,00,000/-. Out of the amount of fine so imposed, a sum of ₹1,95,000/- was directed to be paid to respondent no.2 as compensation, while the remaining sum of ₹5,000/- was directed to be deposited in the



			State Treasury. It was further directed that, in default of payment of the aforesaid fine, the revisionist shall undergo additional simple imprisonment for a period of three months. 3. The Criminal Revision No.262 of 2025 has been filed by the revisionist challenging the judgment & order dated 21.03.2025 passed by learned Additional Sessions Judge, Ramnagar, District Nainital in Criminal Appeal No.76 of 2023, whereby the appeal preferred by the revisionist came to be dismissed. Revisionist has also challenged the judgment & order dated 09.11.2023 passed by learned Judicial Magistrate, Ramnagar, District Nainital in Criminal Case No.494 of 2019 whereby he was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. By the said judgment and order, the revisionist was convicted and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of ₹2,00,000/-. Out of the amount of fine so imposed, a sum of ₹1,95,000/- was directed to be paid to respondent no.2 as compensation, while the remaining sum of ₹5,000/- was directed to be deposited in the State Treasury. It was further directed that, in default of payment of the aforesaid fine, the revisionist shall undergo additional simple imprisonment for a period of three months. 4. A complaint was instituted by M/s Balaji Traders, wherein it was alleged that the revisionist had obtained a friendly loan of ₹3,00,000/- from respondent no.2 and, towards security of the said loan, had issued two cheques, each for a sum of ₹1,50,000/-, in favour of respondent no.2. Upon presentation of the said cheques for encashment, both the cheques were dishonoured with the endorsement that the bank account had been closed. Thereafter, statutory notices under Section 138 of the Negotiable Instruments Act, 1881 were duly issued to the revisionist. Despite receipt of the statutory notices, the revisionist failed to make the payment of the cheque amounts
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		within the prescribed period. Consequently, two separate complaints came to be instituted against the revisionist, which were registered as Criminal Case Nos.493 of 2019 and 494 of 2019. Both the complaints were allowed by learned Judicial Magistrate, Ramnagar, District Nainital, and vide separate judgments and orders dated 09.11.2023, the revisionist was convicted for the offence punishable under Section 138 of the N.I. Act. He was sentenced to undergo simple imprisonment for a period of one year and to pay a fine of ₹2,00,000/- in each case. Out of the amount of fine so imposed, a sum of ₹1,95,000/- was directed to be paid to respondent no.2 as compensation, while the remaining sum of ₹5,000/- was directed to be deposited in the State Treasury. It was further directed that, in default of payment of the aforesaid fine, the revisionist would undergo additional simple imprisonment for a period of three months. Aggrieved by the aforesaid judgments and orders of conviction and sentence, the revisionist preferred two separate criminal appeals, being Criminal Appeal Nos.77 of 2023 and 76 of 2023. Learned Additional Sessions Judge, Ramnagar, District Nainital, vide separate judgment and order dated 21.03.2025, dismissed both the appeals. Hence, the present criminal revisions. 5. Learned counsel appearing for the revisionist submits that the cheques in question were issued merely by way of security and were blank cheques at the time of their issuance. 6. It is not disputed that the signatures appearing on the said cheques are those of the revisionist. Learned Courts below have considered the aforesaid defence and have rightly found the same to be an afterthought. Once the revisionist admits his signatures on the cheques, the statutory presumption contemplated under Sections 118(a) and 139 of the N.I. Act operates in favour of the holder of the cheques, unless the accused is able to rebut the said presumption by raising a
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		probable defence. In the present case, the revisionist has failed to rebut the statutory presumption by leading cogent and convincing evidence. 7. This Court has carefully considered the submissions advanced by learned counsel for the revisionist and has perused the judgments passed by the learned Courts below as well as the material available on record. It is a settled principle that the revisional jurisdiction of this Court is supervisory in nature and is not to be exercised as a substitute for appellate jurisdiction. Concurrent findings of fact recorded by the Courts below ordinarily do not warrant interference in revision unless such findings are shown to be perverse, manifestly erroneous, based on no evidence, or to have resulted in a miscarriage of justice. 8. In the present case, the revisionist has failed to demonstrate any perversity, illegality, material irregularity or jurisdictional error in the judgments passed by the learned Courts below. The learned trial Court, upon appreciation of the evidence on record, recorded a finding of conviction, which has thereafter been duly examined and affirmed by the learned Appellate Court. The defence that the cheques were issued as security and were blank at the time of issuance has not been substantiated by any cogent or reliable evidence. Mere assertion that the cheques were issued by way of security, particularly when the signatures thereon are admitted, is not sufficient to dislodge the statutory presumption arising in favour of the complainant under the N.I. Act. The findings recorded by the learned Courts below are based upon proper appreciation of the evidence and are neither perverse nor contrary to the material available on record. No manifest illegality or miscarriage of justice is shown to have occurred. Consequently, no ground is made out for exercise of the revisional jurisdiction of this Court.
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9. For the reasons recorded hereinabove, this Court finds no merit in the present criminal revisions. The judgments and orders passed by the learned Courts below do not call for any interference. Accordingly, both the criminal revisions are dismissed.

10. Since the present criminal revisions have been dismissed, and as informed by learned counsel for the revisionist, a total sum of ₹4,00,000/- has been deposited by the revisionist before the Court of learned Judicial Magistrate, Ramnagar, District Nainital, a sum of ₹1,95,000/- deposited in each of the two cases shall be released in favour of respondent no.2.

(Alok Mahra, J.)

10.08.2026

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Digitally signed by ARPAN JAINWAL
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