



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/496/2026</u> Kanwar Singh Yadav Revisionist Versus State Of Uttarakhand Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Shivam Sharma, learned counsel for the revisionist. 2. Mr. S.C. Dumka, learned A.G.A. for the State. 3. Present criminal revision has been preferred assailing the judgment and order dated 16.06.2026 passed by learned Vth Addl. Sessions Judge, District Dehradun in Criminal Appeal No.330 of 2024, whereby the appeal preferred by the revisionist was dismissed and the judgment and order dated 16.10.2024 passed by the learned 3rd Addl. Chief Judicial Magistrate, Dehradun in Criminal Complaint Case No.316 of 2021 was affirmed. By the said judgment, the revisionist was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of ₹4,20,000/-, with a further direction that in default of payment of fine, he shall undergo simple imprisonment for a period of three months. 4. Learned counsel for the revisionist would submit that the impugned judgments and orders passed by the



		courts below are contrary to law, the evidence on record and the settled principles governing prosecutions under Section 138 of the Negotiable Instruments Act, 1881. He would further submit that the complainant/respondent no.2 has failed to establish the existence of a legally enforceable debt or liability against the revisionist; that, the complainant has not adduced any cogent documentary evidence to prove that she had advanced a sum of ₹2,00,000/- to the revisionist. 5. He would further submit that the cheque in question was not issued towards discharge of any legally enforceable debt or liability, and the revisionist has successfully rebutted the statutory presumption available under Sections 118 and 139 of the Negotiable Instruments Act; that, the as per the case of complainant that the amount was advanced to enable the revisionist to purchase electronic appliances for his shop is inherently improbable, inasmuch as the revisionist had already closed the said shop in the year 2019. 6. Learned counsel for the revisionist would further submit that the complainant examined PW-2, who is none other than her husband and, therefore, an interested witness, therefore, his testimony, could not have been accepted without independent corroboration; that, neither any loan agreement, receipt, promissory note nor any other documentary evidence evidencing the alleged loan transaction was produced before the Trial Court; that, there are material contradictions and inconsistencies in the testimonies of PW-1 and PW-2 regarding the alleged advancement of the loan. He would further argue that the finding recorded by the trial
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			court in paragraph no.24 of the impugned judgment regarding the financial capacity of the complainant is perverse, as PW-2 himself admitted in his cross-examination that he was receiving a monthly pension of only ₹3,000/- to ₹4,000/-, therefore, in such circumstances, the complainant failed to establish her financial capacity to advance a sum of ₹2,00,000/-; that, that both the courts below have misappreciated the evidence on record and the impugned judgments are liable to be set aside. 7. Per contra, learned State counsel would support the impugned judgments and submit that as per record, the revisionist has admitted his signatures on the cheque in question as well as the issuance thereof; that, once the execution of the cheque is admitted, the statutory presumptions under Sections 118(a) and 139 of the Negotiable Instruments Act arise in favour of the complainant; that, the revisionist has failed to rebut the said presumptions by leading any cogent and convincing evidence; that, mere denial that the cheque was not issued towards discharge of a legally enforceable debt is insufficient to discharge the burden cast upon the accused. It is, therefore, submitted that both the courts below have rightly appreciated the evidence and recorded concurrent findings of fact, which do not warrant interference in the exercise of revisional jurisdiction. 8. Heard learned counsel for the parties and perused the entire material available on record. 9. The Hon'ble Supreme Court in Bir Singh v. Mukesh Kumar, (2019) 4 SCC 197, has held that once the execution and signature on the cheque are admitted or proved, the statutory presumptions under
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			Sections 118(a) and 139 of the Negotiable Instruments Act automatically arise that the cheque was issued towards a legally enforceable debt or liability. The burden then shifts to the accused to rebut the presumptions by raising a probable defence supported by cogent evidence. A mere denial of liability is insufficient. The said principle has also been reiterated in Rangappa v. Sri Mohan, (2010) 11 SCC 441. 10. In the present case, the revisionist has admittedly not disputed his signatures on the cheque in question. The plea raised by him that the cheque was not issued towards discharge of any legally enforceable debt has been concurrently considered and rejected by both the Trial Court as well as the Appellate Court upon appreciation of the oral and documentary evidence. The findings recorded by the courts below are based on proper appreciation of the evidence and cannot be said to be perverse, arbitrary or suffering from any manifest illegality warranting interference in the exercise of revisional jurisdiction. This Court does not find any jurisdictional error, perversity or material irregularity in the impugned judgments. 11. Accordingly, the criminal revision, being devoid of merit, is hereby dismissed. 12. No order as to costs.
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(Alok Mahra, J.)

16.07.2026