

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.A-1009-MA of 2013 (O&M)
Date of decision: October 08, 2015

Sat Pal Singh

...Applicant

Versus

Savita Dhir

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Saloni Sharma, Advocate
 for the applicant.

None for the respondent.

INDERJIT SINGH, J.

Applicant-Sat Pal Singh has filed this application under Section 378(4) Cr.P.C. seeking permission for leave to appeal against respondent Savita Dhir, challenging the judgment dated 10.10.2013 passed by learned Chief Judicial Magistrate, Kapurthala, whereby the accused-respondent was acquitted.

It is mainly stated in the application that accompanying appeal is likely to succeed on the grounds taken therein. It is further stated that impugned judgment dated 10.10.2013 passed by learned CJM, Kapurthal is illegal and unsustainable in the eyes of law.

Notice of motion was issued in this case. Earlier, learned counsel for the respondent had appeared but later on none appeared on behalf of the respondent. Today also, none appeared on behalf of

the respondent.

I have heard learned counsel for the applicant and have gone through the record.

As per the record, the complainant Sat Pal Singh filed a complaint against Savita Dhir under Section 138 of the Negotiable Instruments Act. As per complainant's version, the accused-respondent issued two cheques bearing No.188581 dated 29.11.2006 and 188582 dated 15.12.2006 for ₹2.5 lacs each in favour of the complainant, which on presentation, were returned with the remarks 'unpaid as account closed'. Legal notice was served upon the accused. On non-payment of amount, complaint was filed.

Learned CJM, Kapurthala, after appreciating the evidence, acquitted the accused-respondent by holding that the defence version is probable. The cheques were issued for ₹50,000/- which were converted into ₹2,50,000/-. The Magistrate himself examined cheques Ex.C1 and C2 carefully and held that in fact an addition to the amount originally filled, in the box in front of ₹50,000/-, digit '2' has been added in both the cheques and after the name of the accused, 'two lakh' has been added which should not have been at the place wherein it has been. The Magistrate held that 'two lakh' should have been added in front of 'fifty thousand' but these words have been written after the name of the accused and the Court below on the basis of this, held that it is forgery and no relief can be granted.

In this case, lower Court record was summoned. I have also gone through the cheques in dispute. From the perusal of the

cheques, it is clear that digit '2' has been added before '50,000/-' subsequently and furthermore 'two lakh' has been written after the name of the payee, which should not have been there. If this is allowed, then everybody can make the forgery in the cheques. The words 'two lakh' should have been written in front of 'fifty thousand only' where the amount in words is to be mentioned. From the face of it, it is clear that manipulations have been made in the cheques. So, on this ground, no relief can be granted.

In view of the above discussion, I find that the findings given by learned CJM, Kapurthala, are as per evidence. In no way, the findings can be held as perverse. The judgment dated 10.10.2013 passed by learned CJM, Kapurthala, is correct, as per law and evidence.

Keeping in view above facts and circumstances, I find that no ground is made out to grant permission for leave to appeal and therefore, the present application stands dismissed.

October 08, 2015
Vgulati

(INDERJIT SINGH)
JUDGE