

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-A-1900-MA-2015 (O&M)

Date of decision : 21.12.2015

Devender

...Appellant

Versus

Narender Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sanjeev K. Panwar, Advocate
for the applicant-appellant.

JITENDRA CHAUHAN, J. (Oral)

CRM No.38437 of 2015

For the reasons contained in the application, same is allowed and delay of 11 days in filing the leave to appeal is condoned.

CRM-A-1900-MA of 2015

This leave to appeal is directed against the impugned judgment dated 16.09.2015 passed by the learned Judicial Magistrate Ist Class, Jind whereby the accused-respondent was acquitted from the charges framed against him under Section 138 of Negotiable Instrument Act, 1881.

The learned counsel contends that the trial court acquitted the accused-respondent by holding that the legally recoverable debt and liability was not proved, without appreciating the material facts on record. The alleged cheque was issued by the respondent to discharge his liability against the friendly loan of Rs.5 lacs, which he had taken from the appellant

and it is an admitted fact that the signature on the cheque in question is of the accused-respondent. In view of these facts and other evidences, how it can be said that the material ingredients of offence under Section 138 of Negotiable Instruments Act, are not fulfilled in the present case.

Heard.

In this case, the appellant has failed to lead any cogent evidence which shows source of alleged amount and qua transaction, wherein the same was advanced to the respondent. Except self statement of the complainant there is no material evidence on record to prove the factum of legally enforceable debt of the accused towards complainant. In addition to this, there are certain doubts in version of the complainant.

Accordingly, leave to appeal is declined.

Dismissed.

21.12.2015

ashok

(JITENDRA CHAUHAN)
JUDGE