

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

CRM-A-880-MA-2014
Date of decision : 18.08.2015

M/s Sangrur Industrial Corporation Limited ...Appellant

V/S

C. H. Lee and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Tribhawan Singla, Advocate for the appellant

JITENDRA CHAUHAN, J. (Oral)

Appellant has filed this appeal for setting aside the judgment dated 26.03.2014, passed by the learned Additional Chief Judicial Magistrate, Sangrur, whereby the complaint No.28 dated 23.04.2007 filed under Sections 420 and 380 read with Section 120-B of the Indian Penal Code (IPC), was quashed.

Learned counsel for the appellant states that the machine supplied by the respondents/accused was of sub standard quality. When the engines of the respondent No.3-UPI tried to commission the same. The blade shewing broke down which was taken by authorised representative of the respondents and thereafter the same was never returned. In addition to this, the representatives of the respondents had also taken the computer parts of the machine without consent of the appellant.

Heard.

From the perusal of the record and the minutes of meetings

dated 04.11.2006 and 02.12.2006, it reveals that the components were replaced and the respondents had made every effort to run the machine properly so neither the intention of the respondents to cheat the appellant nor any element of cheating involved in the deal of sale of the machine in question.

The order passed by the learned Additional Chief Judicial Magistrate, Sangrur, is in accordance with law and cannot be termed to be illegal, arbitrary and against the facts proved on record in the given set of circumstances, which is hereby affirmed. The view taken by the trial court is correct view and no other view is possible.

Accordingly, the instant appeal is hereby dismissed.

18.08.2015
ashok

(JITENDRA CHAUHAN)
JUDGE