

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

CRM-A-884-MA-2015 (O&M)

Date of decision : 21.12.2015

Kewal Krishan Tandon

...Appellant

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gursimran S. Bawa, Advocate
for the applicant-appellant.

JITENDRA CHAUHAN, J. (Oral)

CRM-16717-2015

For the reasons contained in the application, same is allowed and delay of 18 days in filing the appeal is condoned subject to all just exceptions.

Main Case

This leave to appeal is directed against the impugned judgment dated 24.02.2015 passed by the learned Judicial Magistrate Ist Class, Amritsar whereby the accused-respondent Nos.2 and 3 were acquitted from the charges framed against them under Sections 420, 406, 506, 34 of the Indian Penal Code (for short 'the IPC').

The learned counsel for the appellant contends that the learned trial Court has erroneously passed the impugned judgment and acquitted respondent Nos.2 and 3. He states that on the inducement of respondent

Nos.2 and 3, the appellant acceded to deliver the shawls worth Rs.1,50,000/-, to Prem Parkash Aggarwal and out of this amount, only Rs.25,000/- were given to the appellant and on the demand of remaining amount, the respondents had flatly refused to pay the same. Therefore, respondent Nos.2 and 3 have cheated the appellant.

Heard.

The learned trial Court has passed the impugned judgment and acquitted respondent Nos.2 and 3, as the appellant has failed to led any effective evidence against the respondents to constitute the case of fraudulent intention and cheating against them.

Keeping in view the above, the finding of acquittal recorded by the trial court cannot be said to be perverse or contrary to the material on record. In fact, there is no infirmity in the reasoning assigned by the trial court for acquitting the respondent. This Court feels that the learned Judicial Magistrate Ist Class, Amritsar, has passed the impugned judgment dated 24.02.2015, after appreciating the entire facts and circumstances of the present case and no other view is possible.

Accordingly the leave to appeal is declined.

Dismissed.

21.12.2015

ashok

(JITENDRA CHAUHAN)
JUDGE