

CRR-No-1689-2009

[1]

In the High Court of Punjab and Haryana at Chandigarh.

CRR-No-1689-2009

Date of Decision:30.09.2015

Hukam Singh

...Petitioner

Versus

M/s Gurnam Singh Amarjit Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Harkaran Singh, Advocate, for
Mr. B.S. Bhalla, Advocate, for the petitioner.

Mr. A.S. Sidhu, AAG, Punjab.

Ms. Anju Arora, Advocate,
for respondents No.2 to3.

SABINA, J.

Respondents had faced trial in a complaint filed by the petitioner under Sections 138 read with Section 142 of the Negotiable Instruments Act, 1881 ('of the Act' for short) with regard to dishonour of cheque dated 25.02.2002 in the sum of Rs.1,73,000/-. Trial Court vide order dated 13.07.2007 ordered the acquittal of the respondent. The said order was upheld by the Appellate court vide order dated 14.03.2009. Hence the present petition by the complainant.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

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[2]

In the present case, the cheque in question was issued by the accused in favour of the complainant. Cheque in question was proved on record as Exhibit C-1. Perusal of Exhibit C-1 reveals that it pertains to account No.0166606103P. A perusal of Exhibit C-6 reveals that the cheque in question was, however, presented for encashment qua account No.01606050181. In the present case, the encashment of the cheque in question was not sought from the account it had been issued. Therefore, the Courts below rightly held that the accused could not be prosecuted qua commission of offence punishable under Section 138 of the Act.

Hence, no ground for interference by this Court, is made out.

Dismissed.

September 30, 2015
kapil

(SABINA)
JUDGE