

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRR-1735-2014

Date of decision : 23.01.2015

Harmesh Chand Singla

... Petitioner

Versus

Baldev Sharma @ Satpal

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Vivek Suri, Advocate
for the petitioner.

REKHA MITTAL, J.

The present petition lays challenge to the judgment dated 18.02.2014 passed by the Additional Sessions Judge, Mansa whereby the appeal preferred by Baldev Sharma @ Satpal against his conviction and sentence for offence punishable under Section 420 of the Indian Penal Code (in short 'IPC') was allowed and the respondent-appellant was acquitted of the offence charged against him.

The petitioner submitted an application on the allegations that Baldev Sharma, Press Reporter, Bareta took a loan of Rs.25,000/- from State Bank of Patiala through District Udyog Centre, Bathinda for opening shop of electricity in the fake name i.e. Satpal son of Jagan Nath. As per bank records, Rs.41,000/- were outstanding against him on 31.12.1996 which he did not pay. He again took a loan of Rs.10,000/- through Nagar Council Bareta on 31.07.1991, returned Rs.500/- in the year 1994 and an amount of Rs.11,400/- is outstanding. The banks have not taken any action against him

as he is a Press Reporter.

The learned appellate Court framed two issues for determination i.e.

- 1) Whether accused took loan from State Bank of Patiala on fake name of Satpal.
- 2) Whether he cheated Punjab National Bank by taking loan without disclosing that he is defaulter of State Bank of Patiala.

The Court in view of evidence on record particularly statement of SI Swaran Singh PW5 came to conclude that Baldev Sharma is known by two names i.e. Baldev Sharma and Satpal and therefore, the allegation that the accused obtained loan from State Bank of Patiala in a fake name is falsified and belied. In regard to the bank loan taken from Punjab National Bank, it has been held that the accused after making payment on 20.05.1997 closed the account and nothing is due against him. Keeping in view the evidence on record appreciated in right perspective by the appellate Court, I do not find any error much less illegality to intervene in the judgment of acquittal.

For the reasons aforesaid, finding no merit, the petition is dismissed in limine.

(REKHA MITTAL)
JUDGE

January 23, 2015.

DK