

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

Crl.Rev.No.2094 of 2015 (O&M)

Date of decision : 7.7.2015

Ajay Chauhan

....Petitioner

Versus

Jagdish Lal and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Rakesh Bakshi, Advocate
for the petitioner.

.....

MAHESH GROVER, J.

This is a petition for questioning the conviction and sentence awarded to the petitioner for violating the provisions of Section 138 of the Negotiable Instruments Act.

According to the complaint preferred by the complainant the petitioner was advanced a loan and to satisfy it he issued a cheque which was dishonoured. The petitioner did not dispute the issuance of cheque but pleaded that it was on account of security and therefore, this violation could not have invited the proceedings against him under Section 138 of the Negotiable Instruments Act.

The plea of the petitioner regarding the cheque being given as security was not established during the course of evidence. Besides, the overwhelming factor which goes against

the petitioner is a fact that during the course of appeal he had entered into a settlement with the complainant obliquely admitting his liability but defaulted in performance in the terms of the settlement.

Apart from raising the contentions based on facts, the petitioner has not been able to indicate any illegality in the order passed by the courts below and thus this court in the exercise of its revisional power would not like to enter into the domain of the facts particularly when no legal perversity has been shown to have been committed. It is to be noticed that during the course of present proceedings also the petitioner was given an opportunity to settle the matter with the complainant which was refused by him.

For the aforesaid reasons, when there is no legal infirmity pointed out by the petitioner in the impugned orders, this Court would not interfere in the exercise of its revisional jurisdiction.

Dismissed.

7.7.2015

(MAHESH GROVER)
JUDGE

dss