

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. 1238-MA of 2010 (O/M)
Date of decision : 5.1.2016

Chief Manager, State Bank of India Appellant

Versus

M/s Karanvir Finance (P) Ltd. and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikas Chatrath, Advocate, for the applicant-appellant.

Mr. Gurinder Singh, Advocate, for,
Mr. S.S. Narula, Advocate, for respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Impugned in the present application for leave to appeal is the judgment dated 26.2.2010, passed by the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, vide which the complaint filed by the present applicant-appellant under Sections 420, 467, 468, 471, 120-B IPC was dismissed and the accused were acquitted of the charges framed against them.

Brief facts of the case are that according to the complainant, accused presented a draft No. 0006437658 dated

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4.11.1999 in their current account, maintained with Canara Bank, MDSD Branch, Kapurthala. On 6.11.2000, they deposited a demand draft of Rs. 2,10,000/- in their account in Canara Bank, which is stated to have been issued by State Bank of India, Branch Jalandhar and was drawn on State Bank of India, Kapurthala. The State Bank of India, Kapurthala, accordingly made the transfer entry in the account maintained with the Canara Bank. The Canara Bank credited the amount in the account of the accused, who later on withdrew the same. Later on, it was found that the said demand draft was fake.

I have heard the learned counsel for the parties and have also carefully gone through the file.

The learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, acquitted the accused on the ground that the demand draft was not proved in accordance with law. However, the demand draft is per-se permissible and said ground does not hold any ground. It comes out that the accused is a company and accused No. 2 and 3 are stated to be its Directors. To prove the offence that accused have committed offence and deposited the fake demand draft in their account, the complainant was required to prove that the demand draft was deposited by all or any of the accused. The demand draft was deposited by pay-in-slip. In this case, the pay-in-slip is not proved by the complainant, so as to show as to whether all

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or any of the accused deposited the demand draft in their account or some third person deposited the demand draft in their account. The said crucial evidence was not produced. On this account, the benefit of doubt was rightly given to the accused. There is no ground to interfere in the impugned judgment of the lower Court. Hence, the application for grant of leave to appeal is dismissed.

(KULDIP SINGH)
JUDGE

5.1.2016
sjks