

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

- (i) Criminal Misc.No.A-1080-MA of 2016 (O&M)**
- (ii) Criminal Misc.No.A-1089-MA of 2016 (O&M)**
- (iii) Criminal Misc.No.A-1090-MA of 2016 (O&M)**
- (iv) Criminal Misc.No.A-1103-MA of 2016 (O&M)**

Date of Decision : 17th November, 2016

Ram Pal

..... Applicant

Versus

Alisher

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Vinay Saini, Advocate
for the applicant.

AJAY TEWARI, J. (Oral)

This order shall dispose of aforesaid four applications filed by the applicant under Section 378(4) Cr.P.C. for grant of leave to file an appeal against the judgment of acquittal dated 22.03.2016, passed by the learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri.

As per the allegations of the applicant, the respondent took an amount of Rs.11,00,000/- as loan for his domestic needs from the applicant and assured that he will return the same within a period of two months. The applicant-complainant in his statement had stated that he had money lying because he had sold some property and he withdrew Rs.10,00,000/- from the bank and Rs.1,00,000/- was lying at his home.

The case of the respondent was that his signed cheques were lying with the applicant, who had misused the same.

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As regards the respondent, the trial Court came to the conclusion that his defence was not entirely plausible because there was no reason for him not to have stopped the payment of cheques or to have lodged a complaint about the same. However, despite having doubt on the defence raised by the respondent, the trial Court still dismissed the complaints because the applicant could not prove any withdrawal from the bank in December, 2012. Rather, the learned trial Court noticed that ever since June, 2012, the amount in the bank account of the applicant never exceeded to Rs.6,000/-. Consequently, the learned trial Court came to the conclusion that the applicant could not prove that a legally enforceable debt was there.

Finding no reason to take a different view on the judgment, passed by the learned trial Court, the instant applications stand dismissed.

(AJAY TEWARI)
JUDGE

17th November, 2016
mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No