

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(258)

CRM-A-1301-MA-2016

Date of Decision:-20.10.2016

Vijay Kumar

....Petitioner

V/S

Darshan Singh Gill (Baba)

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Peeush Gagneja, Advocate,
for the appellant.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the appellant.

This appeal is against acquittal. The learned trial Court acquitted the respondent for the reason stated in para-17, which is read thus:-

“Further in the case in hand complainant has not proved the case against the accused and as such prosecution is failed to discharge the burden caused upon him. As per the ingredients of Section 138 of NI Act for the liability of a person under Section 138 of the NI Act the cheque must has been drawn by the person on an account maintained by him but in the complaint in hand the cheque is not drawn from the account of accused. The first and foremost ingredient for the liability under Section 138 of Negotiable Instrument Act is not satisfied.”

Learned counsel for the appellant does not dispute that the accused who had signed the cheque did not have the said account in his

name. This shows that the appellant was taken for a ride by the accused. But then, the requirement of law is not satisfied for the above reasons given by the trial Court is legal, correct and proper.

Hence, the appeal against acquittal is dismissed.

October 20, 2016

pankaj

(A.B. CHAUDHARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No