

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

Date of decision: 11.08.2016

CRM-A No.157-MA of 2016 (O&M)

Gursewak Singh

.... Applicant

versus

Sukhdev Singh

.... Respondent

CRM-A No.142-MA of 2016 (O&M)

Gursewak Singh

.... Applicant

versus

Sukhdev Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. P.S.Dhaliwal, Advocate
for the applicant.

Ajay Tewari, J.(Oral)

CRM No(s).2835 & 2659 of 2016

This is an application for condonation of delay of 88 days in filing the present application.

For the reasons mentioned in the application, delay of 88 days in filing the application is condoned.

CRM stands disposed of.

CRM-A No.157-MA of 2016

This order will dispose of two applications bearing CRM-A No.157-MA of 2016 and CRM-A No.142-MA of 2016 against the acquittal dated 25.08.2015 in a complaint case registered under Section 138 of Negotiable Instrument Act.

As per allegations, the applicant is alleged to have advanced some amount to the respondent and the respondent had given two cheques towards repayment thereof, which bounced.

The case of the respondent was that he repaid the money

prior to issuance of cheques and in fact the applicant had executed Ex.D1 acknowledging that fact.

The trial Court held that the applicant had accepted this fact in writing and consequently accepted the explanation given by the respondent and dismissed the complaint.

Learned counsel for the applicant has vehemently argued that actually this is a case where the applicant intended to say that sign on Ex.D1 was not his but due to some misunderstanding the answer was recorded in affirmative. As per him, the applicant had also subsequently moved an application before the trial Court for production of the original document so that the signatures could be compared.

Be that as it may, the fact remains that the signatures were admitted and no explanation was given therefor. Not only that, no attempt was made to explain or correct the statement which was allegedly wrongly recorded. It is not as if the applicant is an illiterate or unrepresented person rather he was duly represented through counsel and nothing stopped him from bringing to the notice of the trial Court that this mistake had taken place in the statement.

In the circumstances, it is hard to find any fault with the judgment passed by the Courts below.

Consequently, the applications stand dismissed.

August 11, 2016
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(AJAY TEWARI)
JUDGE

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No