

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A-178 MA- 2016 (O&M)

Date of decision: 05.05.2016

Darshan Singh

.....Applicant

versus

Jagir Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Jasdev Singh Mehndiratta, Advocate for the applicant

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Learned counsel for the applicant contends that his complaint under Section 138 of Negotiable Instruments Act, 1881 has been dismissed on the ground that the cheque was taken as security.

Lower Court record examined.

I have heard learned counsel for the applicant.

The complainant has stated that he has advanced a loan of Rs.1,10,000/- to the accused, for which, he issued a cheque bearing No.470868 dated 28.1.2010 drawn on Punjab National Bank, Branch Jhansa, District Kurukshetra. From the evidence, it comes out that the complainant is distributor of Bulls Batteries, whereas accused is selling Bull Batteries. Therefore, there was business transaction between the parties. The body of cheque was filled in by

some person other than accused. If loan is taken and cheque is given then the entire writing of cheque is to be done by the accused himself. Both the parties are business persons and it is unlikely that the complainant will advance such loan to the accused without getting any receipt or documents. Complainant has failed to prove the source of the loan.

It being so, there is no illegality or perversity in the evidence recorded by the lower Court.

Hence, the application for grant of leave to appeal is dismissed.

05.05.2016
gk

(Kuldip Singh)
Judge