

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

CRM-A No.1132-MA of 2014 (O&M)
Date of decision: 04.11.2016

Ram Parvesh

.... Applicant

versus

Sunita Kambiri

.... Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sandeep Verma, Advocate
for the applicant.

Mr. Abhishek Sharma, Advocate for
Mr. P.S.Ahluwalia, Advocate
for the respondent.

Ajay Tewari, J.(Oral)

CRM No.21729 of 2014

This is an application for condonation of delay of 199 days in
filing the appeal.

For the reasons mentioned in the application, delay of 199 days
in filing the appeal is condoned.

CRM stands disposed of.

CRM-A No.1132-MA of 2014

This application has been filed for leave to appeal against the
acquittal of the respondent in a complaint under Section 138 of Negotiable
Instruments Act.

The applicant had filed complaint for the dishonour of a cheque
of ₹10 lacs, which has been issued by the complainant. The Court held
that firstly the applicant had not mentioned any date on which the alleged
loan was given to the respondent. Not only that even the amount of loan

was not mentioned in the complaint. The Court also found strange the fact that the applicant had merely on the oral demand of the respondent handed over a huge loan without any writing.

The case of the respondent on the other hand was that the cheque was stolen by a notorious criminal namely Chander Bhan and the applicant in connivence with the said person tried to encash the stolen cheque.

Learned counsel for the applicant has not been able to satisfy this Court as to why neither the date nor the amount of loan was mentioned in the complaint or in the notice and as to how and in what circumstances, the applicant advanced such a huge amount without any writing.

In the totality of facts, I am not persuaded to differ with the conclusions of the trial Court.

Consequently, the present application is dismissed.

04.11.2016
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(AJAY TEWARI)
JUDGE

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No