

CRM-A-493-MA-2016 (O&M)

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

CRM-A-493-MA-2016 (O&M)

Date of Decision: 28.04.2016

AMAN BINDRA

... Applicant

VS.

SANDEEP KUMAR @ S. KUMAR AND O THERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. G.C. Shahpuri, 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)

CRM-8222-2016

The present application filed under Section 5 of Limitation Act has been filed for condonation of delay of 28 days in filing the leave to appeal.

For the reasons enumerated in the application, the same is allowed. Delay of 28 days in filing the leave to appeal is hereby condoned subject to all just exceptions.

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This order will dispose application filed by the applicant under Section 378 (4) of the Code of Criminal Procedure for grant of leave to appeal.

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The complainant had filed the complaint under Section 138 of the Negotiable Instruments Act, stating that he is running Dharam Kanta regarding weighment of timber and the accused is working as commission agent in timber market. He had advanced a loan of ₹ 9.90 lacs to the accused for which he issued cheque dated 04.03.2013 of the said amount which was dishonoured for want of sufficient funds.

Perusal of the judgment of the lower court shows that the lower court has taken a view that the cheque in question is an old cheque which is not a part and parcel of the modern days banking practice. Therefore, the court doubted that the cheque issued on 04.03.2013 as claimed by the complainant. Therefore, the lower court believed the version of the accused that said cheque was given as a security. No receipt of the loan was obtained though the complainant claims that he had borrowed major part of the money from his relatives and friends.

It being so, there is no illegality and perversity in the findings of the lower court judgments. Hence, the application for leave to appeal is declined.

[KULDIP SINGH]
JUDGE

April 28, 2016
Suresh Kumar