

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-33927-2014 in/and
CRM-A-1705-MA-2014
Date of decision : 05.12.2016

RAJINDER KUMAR

..... appellant

versus

HARI GYAN & ANR

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Amit Prashar, Advocate
for the applicant-appellant.

Mr. Kamal Chaudhary, Advocate
for the respondent No.1.

Mr. Deepak Grewal, DAG, Haryana.

AJAY TEWARI, J. (Oral)

CRM-33927-2014

This is an application for condonation of delay of 56 days in
filing the application for granting leave to appeal.

Reply has not been filed. For the reasons recorded in the
application, the same is allowed and delay of 56 days in filing the
application for granting leave to appeal is condoned.

CRM-A-1705-MA-2014

This is an application for granting leave to file appeal against
the judgment passed by the Appellate Court. This is a case where
respondent No.1 was convicted by the trial Court and acquitted in the
appeal.

Learned counsel for the respondent No.1 has argued that once it was
accepted by applicant-appellant that cheque was not signed by him the

onus was upon the appellant to prove his case with positive evidence but no positive evidence was led by the appellant. Learned counsel for respondent No.1 has further argued that the fact which Appellate Court considered was that the appellant had given various amounts to the respondent No.1 as loan with interest at various times and if the respondent No.1 had not repaid first loan amount or even the interest (as accepted by the appellant) there was no occasion for the appellant to advance further loans to respondent No.1. Moreover, neither the date or time nor month of any loan was mentioned. Moreover in the complaint the appellant had stated that son of the respondent No.1 had come to deliver the cheque to him and the respondent No.1 had proved much prior to that he had disinherited his son and it was that son who had engineered this whole false complaint against him.

In my considered opinion, the reasons of the Appellate Court are more convincing.

In these circumstances, the application for granting leave to appeal stands dismissed.

December 05, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No