

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

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CRM-A-2012-MA-2015
Date of decision :22.11.2016

JORA SINGH

.....appellant

versus

SANDEEP MALIK

.....Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Surinder Singh Virk, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

The present appeal has been filed by the appellant against the dismissal of the complaint under Section 138/142 of the Negotiable Instruments Act.

As per the allegations, the appellant had advanced a loan of Rs. 2, 70,000/- to the respondent. In order to discharge his legal liability the respondent had issued a cheque in question which had been dishonored. Thus, the respondent has committed an offence punishable under Section 138 of the Negotiable Instruments Act.

The case of the respondent is on other hand was that he was employed by the appellant for collecting dues from various persons and for this purpose the appellant received some security cheques from the

respondent and those security cheques were being misused by the appellant.

The Court below found that neither the date on which the appellant had given loan was mentioned nor the date on which the respondent had given him the cheque was mentioned. Further the appellant had not been able to prove the source from where he had received an amount of Rs. 2, 70,000/- for giving it in cash to the respondent. The Court below further found that the appellant had admitted that at one stage the respondent was employed with him and then came to the conclusion that appellant had not been able to prove that respondent owed him any amount.

Learned counsel for the appellant has not been able to persuade me that the findings of fact recorded by the Court below are either based on no evidence or based on such a perverted misreading of evidence so as to justify the interference of this Court.

Appeal stands dismissed.

(AJAY TEWARI)
JUDGE

November 22, 2016
anuradha

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No