

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

**CRM-A-375-MA OF 2014 (O&M)
DATE OF DECISION: 11.7.2016**

**THE HISAR CANAL DEPARTMENT CO. OP. (S.E.) THRIFT
AND CREDIT SOCIETY LTD.**

.. Appellant

VS.

SUBHASH CHANDER

.... Respondent.

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Pankaj Mehta, Advocate
for the appellant.

A.B. CHAUDHARI, J.

Heard learned counsel for the appellant. This is an appeal against the impugned judgment and order of acquittal dated 9.10.2013. Seen the reasons recorded by the learned trial Court. Admittedly, the loan amount of Rs.20,000/- was advanced on 10.11.2001. The learned counsel for the appellant submits that amended proviso to Section 64 would have application rendering approval of the Registrar not necessary. The trial Judge categorically recorded the reasons and found that the amendment of 2006 amending proviso to Section 64 to Haryana Cooperative Societies Act was prospective and hence would be of no avail to the transaction of the year 2001. I agree with the learned trial Court. There was no legally enforceable liability. Even otherwise, referring to amended proviso it has nowhere been shown that the loan in question was a short term loan given by the appellant-society. Thus in the absence of proof thereof and scheme, I do not find any error in the finding of the trial Judge in dismissing complaint.

As there is no merit in this criminal appeal, the same is dismissed.

(A. B. CHAUDHARI)
JUDGE

July 11, 2016
SwarnjitS