

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A- 639 MA-2014 (O&M)

Date of decision: 10.05.2016

M/s Vasundra Seeds Company

.....Applicant

versus

Sandeep Sharma

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Jasdev Singh Thind, Advocate for the applicant
Mr.Jitender Dhanda, Advocate for the respondent

- 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 No.12943 of 2014

For the reasons mentioned in the application, it is allowed and 58 days delay in filing the application for grant of leave to appeal stands condoned.

CRM-A- 639 MA-2014

This order shall dispose of application for grant of leave to appeal.

The present applicant M/s Vasundra Seeds Company has filed a criminal complaint under Section 138 of Negotiable Instruments Act, 1881 against the accused. The complaint was dismissed and the accused was discharged by learned Judicial

Magistrate 1st Class, Hisar vide judgment dated 26.11.2013.

I have heard learned counsel for the parties and have also carefully gone through the file.

Perusal of the complaint shows that as per allegations made in the complaint, accused had issued a cheque bearing No.039752 dated 24.5.07 for Rs.4,90,000/- to the complainant in discharge of outstanding liability. The cheque was returned with the remarks 'drawer's signature differs and insufficient funds'. Therefore, primarily the cheque was dishonoured as the signatures of the drawer differ on the cheque. Further, the lower Court has found that the liability to pay the sum of Rs.4,90,000/- towards the complainant is not proved.

Lower Court has referred to the document Ex.P12 produced by the complainant himself which shows that accused has taken on account of Rs.1,60,000/- from the complainant company, Rs.61,800/- from Anurag and Rs.2,70,000/- from Krishana Devi. However, in the complaint, it is stated that the entire amount was paid by the complainant. It shows that the liability towards the complainant company, if any, is only to the extent of Rs.1,60,000/-. Further, the lower Court found that as per document Ex.P12, the cheque was only given as a security.

There is no illegality or perversity in the findings recorded by the lower Court.

Hence, the present application for grant of leave to appeal stands dismissed.

10.05.2016

gk

**(Kuldip Singh)
Judge**