

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

**CRM-A No.891-MA of 2014
Date of Decision: May 19, 2016**

Anu Bhatia Applicant

vs.

Dharmender Raj Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rohit Rana, 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)

The present application filed under Section 378 (4) Cr.P.C. has been filed against the judgment of acquittal dated 18.04.2015 passed by learned Judicial Magistrate 1st Class, Faridabad, vide which the complaint filed by the present applicant under Section 138 of the Negotiable Instruments Act, 1881 was dismissed.

Brief facts of the case are that complainant-applicant Anu Bhatia had advanced friendly loan of ₹4,50,000/- to the accused-respondent. In discharge of which, accused-respondent had issued a cheque bearing No.385931, dated 02.03.2013 for ₹4,50,000/-. When the said cheque was presented to the drawee bank, the same was returned with the remarks 'account closed'.

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

A perusal of the judgment of lower court shows that the lower court dismissed the complaint, *inter alia*, on the ground that the complainant has failed to prove the advancement of loan of ₹4,50,000/-. No receipt or document was executed for advancing loan. The advancement of the loan of ₹4,50,000/- by a housewife to the accused-respondent was disbelieved by the lower court. Further, it was noticed that the cheque was filled in with two different pens, indicating that it was misuse of blank cheque. Therefore, it was held that it was the case of misuse of blank cheque.

I am of the view that since the complainant- applicant failed to prove the loan transaction and the lower court has found that it is a case of misuse of blank cheque, therefore, there is no illegality or perversity in the impugned judgment.

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

May 19, 2016
sarita

(KULDIP SINGH)
JUDGE