

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
Criminal Misc.No.M-40485 of 2016(O&M)
Date of Decision : 11th November, 2016**

Mahender Singh

..... Petitioner

Versus

Ajit Jain and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Jitender Nara, Advocate for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed against the dismissal of the complainant and further against the dismissal of the revision petition.

The allegations were that the petitioner, who was Municipal Contractor, had submitted security of Rs.4,09,203/- and respondent Nos.1 and 2 misappropriated that security.

Learned counsel for the petitioner has argued that security could have been refunded only by way of account payee cheque and they executed an open cheque and encashed it.

Both the Courts below held that there was no evidence that respondent Nos.1 and 2 had encashed the cheque and held that merely because an open cheque was issued which was encashed by some unidentified person, it could not be said that the petitioner had made out a prima facie case of misappropriation against the respondents.

Therefore, finding no merit in the instant petition, the same is dismissed.

**(AJAY TEWARI)
JUDGE**

11th November, 2016

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No