

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

**CRR No.1963 of 2016 (O/M)
Date of decision : May 25, 2016**

Suraj Sharma

..... Petitioner

Versus

Arun Katoch

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Shiv Kumar, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The present revision petition is filed against the order dated 17.05.2016 passed by learned Addl. Sessions Judge, Faridabad, vide which the application filed under Section 391 Cr.P.C. by the present petitioner was dismissed.

Briefly stated that the petitioner has been convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 by the learned Judicial Magistrate 1st Class, Faridabad. In appeal filed against the said conviction before the learned Addl. Sessions Judge, Faridabad, an application under Section 391 Cr.P.C. was filed for getting permission to lead additional evidence. By way of additional evidence, the petitioner wants to examine his brother Chand Sharma, stating that in fact the loan of ₹1,00,000/- was taken and cheque was given as security. Subsequently, ₹1,00,000/- were returned in the presence of Chand Sharma.

Heard.

I am of the view that the cheque is for ₹12,00,000/-. It is stated that loan of ₹1,00,000/- was taken in cash and returned in cash. The accused examined himself in defence. The oral evidence of the brother of the petitioner to support him will be useless exercise in the absence of documentary evidence for advancing of the money and returning of the same. Thus, oral evidence of Chand Singh will not help the petitioner regarding the advancement of loan of ₹1,00,000/- and returning of the same.

It being so, there is no ground to interfere in the impugned order.

Accordingly, the present revision petition stands dismissed.

(KULDIP SINGH)
JUDGE

May 25, 2016
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