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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 267 of 2016 (O/M)
Date of decision : 28.3.2016

Daljit Singh Petitioner

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashish Aggarwal, 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)

Impugned in the present revision is the judgment dated 30.11.2015, passed by the learned Additional Sessions Judge, Amritsar, affirming the judgment of conviction and order of sentence dated 13.3.2015, passed by the learned Judicial Magistrate 1st Class, Amritsar, vide which the petitioner was convicted for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881, and was sentenced to undergo rigorous imprisonment for one year.

Heard.

The learned counsel for the petitioner contends that the

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petitioner was a member of a committee being run by the complainant and the cheques in question were given as security. He has also referred to the statement of defence witnesses, who had supported the case of the present petitioner. The case of the complainant is that he is a gold smith and the gold was given to the accused for making gold ornaments, but the gold was not returned. In lieu of the price of the gold, two post dated cheques i.e. one cheque bearing No. 565211 dated 15.5.2012 for Rs. 54,360/- and another cheque bearing No. 565212 dated 16.5.2012 for Rs. 9,80,026/-, both drawn on Punjab National Bank, Branch Majith Mandi, Amritsar, were given to the complainant. Subsequently, the payments of both the cheques were stopped. Both the Courts below have come to the conclusion that the cheques in question were issued for discharge of legal liability and the defence story was disbelieved.

I am of the view that the cheques in question were post dated. The cheques in question were issued before the date of presentation of said cheques. The story of the accused-petitioner being member of the committee was rightly discarded. The amounts of the cheques show that it is odd amount, which is normally not there in case of payment of the committee installments, which shows that probably, it was price of the gold, which was calculated, for which the cheques in question were issued. There are concurrent

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findings recorded by both the Courts below. Therefore, there is no ground to interfere in the impugned order. Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

28.3.2016
sjks