

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

**CRR No.3856 of 2014 (O&M)
Date of Decision: May 05, 2016**

Triton Power Technologies Private Limited Petitioner

vs.

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Harinder Singh, Advocate for
Mr. N.S. Dandiwal, Advocate for the petitioner.

- 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-36530-2014

There is delay of 46 days in filing the present revision petition.

For the reasons mentioned in the application, delay of 46 days in filing the present revision petition is condoned, subject to all just exception.

Application stands disposed of.

Main Case

Impugned in the present revision petition is the judgment dated 21.05.2014 passed by learned Addl. Sessions Judge, Moga, vide which the appeal filed by the accused against his conviction and sentence for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 passed by learned Judicial Magistrate 1st Class, Moga, vide judgment of conviction and order of sentence dated 03.12.2011, was allowed and accused was acquitted of the charges framed against him.

Heard.

It comes out that the case of the complainant was that the complainant-firm had sold U.P.S. and batteries vide Bill No.1, dated 08.02.2008 (Ex.C1) worth ₹1,72,414/- to the accused and to discharge the said liability, the accused had issued cheque No.434718, dated 25.03.2008 for a sum of ₹1,00,000/-. On presentation, the cheque was dishonoured. The first appellate court returned the findings that the complainant had fails to prove the legally recoverable debt from the accused. Bill No.1, dated 08.02.2008 for the purchase of the U.P.S. and batteries by the accused was of ₹1,72,414. Admittedly, goods worth ₹1,66,582/- were returned by the accused to the complainant-firm. The complainant did not prove the account books to show that on the date of issuance of cheque, the liability was still there. In this way, the evidence regarding Bill No.1, dated 08.02.2008 was duly rebutted by the accused to show that almost the same amount of goods worth of the bill were returned. The complainant did not produce any account book to show the running book from the date of issuance of cheque in question that legally enforceable debt was there. Thus, there is no ground to interfere in the findings recorded by the first appellate court.

Accordingly, the present revision petition stands dismissed.

May 05, 2016
sarita

(KULDIP SINGH)
JUDGE