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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 503 of 2016 (O/M)
Date of decision : 23.2.2016

Sunita Rani

..... Revisionist

Versus

Rajat Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ravi Malhotra, Advocate, for the revisionist.

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)

Challenged in the present revision is the order dated 11.1.2016, passed by the learned Additional Sessions Judge, Jalandhar, affirming the judgment of conviction and order of sentence dated 5.2.2015, passed by the learned Judicial Magistrate 1st Class, Jalandhar, vide which the present revisionist was convicted under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of Rs. 2,000/-, in default thereof, to further undergo rigorous imprisonment for 30 days.

Heard.

CRR No. 503 of 2016 (O/M)

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The revisionist is stated to have issued a cheque for rupees one lac in favour of the complainant. The cheque in question, when presented before the bank, bounced with the remarks 'funds insufficient'.

Learned counsel for the revisionist contends that the complainant could not prove his capacity to advance the loan. The plea of the accused is that as per the complainant, she had taken the money from the mother of the complainant and the cheques were issued as security to the complainant. But, there is nothing on file to show that the cheques were issued for security purposes. However, the cheque in question bears the signatures of the accused and the assertion made by the accused cannot be taken as gospel truth. There are concurrent findings of facts recorded by two Courts below. Therefore, there is no ground to interfere in the impugned order. Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

23.2.2016
sjks