

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

**CRR No.513 of 2016 (O&M)
Date of Decision: March 16, 2016**

Daljit Singh

.... Petitioner

vs.

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ashish Aggarwal, 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)

Impugned in the present revision petition is the judgment dated 30.11.2015 passed by learned Addl. Sessions Judge, Amritsar, affirming the judgment of conviction and order of sentence dated 13.03.2015, vide which the present petitioner was convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for one year.

The allegations against the present petitioner are that he is doing business of making of gold ornaments. The complainant is a jeweller and he handed over certain gold to the accused-petitioner for making ornaments but the accused did not do the needful. As a consideration amount of such gold, the accused-petitioner issued two post dated cheques bearing Nos.565209 dated 25.05.2012 for ₹6,00,000/- and No.565210, dated 30.05.2012 for ₹3,99,974/- drawn on Punjab National Bank, Branch Majith Mandi, Amritsar, in favour of the complainant. When the cheques were presented for encashment in the bank, the same were dishonoured with the remarks "Payment

stopped by the drawer”. The complainant after issuing legal notice to the accused-petitioner, filed the present complaint.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

Learned counsel for the accused-petitioner has argued that in this case, the complainant was doing the committee business and that cheques were issued as security. Therefore, the legal debt is not proved.

However, it comes out that the accused-petitioner himself had given the suggestion to the complainant that “ after receiving the articles, he had used the cheques.” It is not the denying fact that the complainant is a jeweller and the accused-petitioner was doing the business of making gold ornaments.

Apparently, there may be business transactions between the parties, for which cheques were issued. The story of doing the committee business was not put to the complainant.

Learned counsel for the petitioner further contends that the complainant is silent as to when the cheques were handed over.

However, in the complaint, it is mentioned that the cheques were post dated and the date of the cheques are also mentioned. There are concurrent findings recorded by both the courts below. Thus, there is no illegality and infirmity in the same.

Accordingly, the present revision petition stands dismissed.

(KULDIP SINGH)
JUDGE

March 16, 2016

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