

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

CRR No.9 of 2016 (O&M)

Date of Decision: February 12, 2016

Radhey Sham

.... Petitioner

vs.

Surinder Singh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Gurcharan Dass, 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 28.10.2015 passed by learned Addl. Sessions Judge, Ludhiana, affirming the judgment of conviction and order of sentence dated 07.05.2015 passed by learned Judicial Magistrate 1st Class, Ludhiana, whereby the 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 a period of 6 months and to pay a fine of ₹2,000/-, in default thereof to further undergo simple imprisonment for 1 month.

Present petitioner is stated to have taken loan of ₹45,000/- from the complainant. In order to repay the loan, he issued a cheque bearing No.100408, dated 12.03.2014 for ₹45,000/- drawn on Central Bank of India, Daresi Branch, Ludhiana in favour of the complainant. When the cheque was presented to the drawee bank, it

was returned with the remarks 'Account Closed'. On the basis of these facts, the present petitioner was convicted and sentenced by the lower court, which was upheld in appeal.

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

Learned counsel for the petitioner has argued that there is factual error in the judgment of the lower court. The name of the complainant is mentioned as Deepak Kumar. Therefore, the lower court has not applied the mind while considering the facts of the case. Same error has occurred in the judgment of first appellate court.

The original file was summoned and has been examined. It comes out that except the clerical error in name of the complainant Surinder Singh in the judgment (wrongly mentioned as Deepak Kumar) of both the courts below, the entire evidence of Surinder Singh was discussed and dealt with.

Learned counsel for the petitioner has further argued that the complainant did not have any licence of money lending.

It is not the case that the complainant has been lending money regularly to the people. Therefore, no licence for money lending is required. So far as Ex.D1 and D2 are concerned, these are not proved in accordance with law. These are tendered only. There are concurrent findings of both the courts below. There is no illegality or infirmity in the impugned order. Thus, there is no ground to interfere in the findings recorded by both the courts below.

Accordingly, the present revision petition stands dismissed.

February 12, 2016
sarita

(KULDIP SINGH)
JUDGE