

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.350 of 2015**

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1. Hari Shankar Sharma, Son of Ram Balak Singh. Resident of village -  
Hathidah, P.S.- Hathidah, Dist.- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Ashok Kumar Singh. S/o Sri Subhash Prasad Singh. Resident of village -  
Mokama Moldiyar Tola, P.S.- Mokama, Dist.- Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

Mr. Kumar Manglam, Adv.

For the Respondent/s : Mr. Gauri Shankar Gupta(App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
**ORAL ORDER**

2      13-04-2017                      Heard learned counsel for the petitioner and learned  
A.P.P. representing the State.

The petitioner held guilty by the trial court of the  
offence punishable under Section 138 of the Negotiable  
Instrument Act and has been sentenced to pay a sum of Rs. 4 lacs  
in favour of the complainant/opposite party no. 2.

This is not in dispute that five cheques were issued,  
bearing the signature of the petitioner, in favour of opposite party  
no. 2 for a sum of Rs. 4 lacs. The Bank returned the cheques with  
a noting that there was insufficient fund in the account of the  
petitioner.

Learned counsel for the petitioner has submitted that the



account, in which the opposite party no. 2 had deposited the cheques, was closed in the year 2004 itself and, therefore, there would have been no question of issuance of cheques by the petitioner in favour of opposite party no. 2 in the year 2008 and return of the cheques on the ground of insufficiency of the amount.

The petitioner's appeal against the judgment and order in trial, dated 17.11.2012, passed by the learned S.D.J.M., Barh in Complaint Case No. 556 of 2008, has been affirmed by the learned Additional Sessions Judge I, Barh, Patna, by his judgment and order dated 27.11.2014, passed in Cr. Appeal No. 200 of 2012, which is under challenge in the present criminal revision application.

Considering the nature of the charge, for which the petitioner was put on trial and the evidence adduced at the trial, as is evident from the records, it cannot be said that the concurrent findings recorded by the courts below are perverse, requiring interference by this Court, in exercise of criminal revisional jurisdiction. It cannot be said that the findings recorded by the court below are contrary to the evidence adduced at the trial. I also notice that, by way of fine, only Rs. 4 lacs, i.e. net amount, has been directed to be paid by the petitioner to opposite party no. 2,



without any interest.

In such circumstance, petitioner should not have any grievance against the order of sentence.

The application has no merit and is, accordingly, dismissed.

**(Chakradhari Sharan Singh, J.)**

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