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

CRM-A No. 1022-MA of 2012 (O&M)
Date of Decision: 16.05.2017

Rajinder Singh

......Appellant

Vs

Bikramjit Singh

.....Respondent

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Aminder Singh, Advocate,
for the appellant.

Mr. Mohit Garg, Advocate,
for the respondent.

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RAJ MOHAN SINGH, J. (oral)

CRM No. 76462 of 2012:

For the reasons mentioned in the application, the same is allowed and the delay of six days in filing the appeal is hereby condoned.

Application stands disposed of.

CRM-A No. 1022-MA of 2012:

The present appeal has arisen from judgment dated 11.10.2012, vide which the respondent was acquitted by the

Chief Judicial Magistrate, Sangrur. Along with the appeal, an application under Section 378 (4) Cr.P.C. for grant of leave to file appeal has also been filed.

The complaint was filed under Section 138 of the Negotiable Instruments Act on the ground that the respondent, in order to discharge his liability had issued a Cheque bearing No. 246999, dated 03.06.2009, in a sum of Rs. 90,000/-, drawn at H.D.F.C. Bank, Branch Sangrur, in favour of the complainant. On being presented, the same was dishonoured on account of closure of the account. The information was submitted vide memo dated 08.06.2009. After issuance of legal notice, proceedings in terms of Section 138 of the Negotiable Instruments Act were initiated before the trial Court. The accused-respondent took a stand that in fact loan was taken from the Finance Company in the name and style of Hira and Company, of which the complainant was a partner. The cheque in question was issued as a security of the aforesaid loan. The accused-respondent relied upon certain receipts and installments card to contend the aforesaid factual position.

Gurvinder Singh, partner of Hira and Company, was examined by the respondent as DW-3, who has admitted the factum of loan availed by the respondent from Hira and Company.

The trial Court, while taking note of the aforesaid facts, also noticed that a cheque book itself was issued by the Bank, prior to the year 2006, whereas the cheque in question was issued in the year 2009.

The respondent has also examined Bank Official Deepak Kumar as DW-4, who has proved the aforesaid fact that the cheque book was issed to the respondent in the year 2004 for this account.

On 04.11.2009, closure of the account has necessary connectivity with the memo dated 08.06.2009, vide which the cheque was dishonoured on account of closure of the account.

I do not see worth in the arguments raised by learned counsel for the appellant for grant of leave to file appeal.

In view of above, the application for grant of leave to file appeal as well as the appeal stand dismissed.

(RAJ MOHAN SINGH)
JUDGE

May 16, 2017
Apurva

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No