

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

**CRM-A-339-MA of 2016
Date of Decision: 11.9.2017**

Gayatri Finance (Registered) through its partner Roshan
.....Applicant

v.

Rakesh Kumar **.....Respondent**

CORAM HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present:- Mr. Kapil Khanna, Advocate, for the applicant

SHEKHER DHAWAN, J.

Present application under Section 378(4) read with Section 483 Cr.P.C. is for special leave to file appeal against judgment of acquittal dated 2.1.2016, whereby complaint was dismissed by the learned trial Court on the ground that complainant failed to prove the existence of complainant firm and even failed to prove the authority to pursue on behalf of the complainant.

Learned counsel for the applicant fairly conceded that, at that stage, there was no authorization letter but, at the same time, took the plea that because he was not having proper legal advise at that time, as such, he could not place on file the relevant documents.

The grounds taken by the applicant considered but this may not be justified ground for filing the appeal against acquittal and the learned trial Court has rightly acquitted the accused and dismissed the complaint as there was no authorization filed by the complainant firm in favour of the

complainant, though the complainant has ample time and liberty to do so prior to that. The subsequent plea by the applicant that he was not having proper legal advise may not be valid ground.

No ground is made out for allowing the application for leave to file appeal and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

11.9.2017
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No