

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CRR 3597 of 2016 (O&M)**

**Date of Decision : 18.01.2017**

Sukhdev Singh

....Petitioner

Versus

Daljit Singh

....Respondent

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: None.

**Surinder Gupta, J.**

Today the case is fixed for arguments but none has appeared for the petitioner.

I have perused the paper-book and proceed to decide the petition on merits.

This is revision petition filed by Sukhdev Singh against his conviction and sentence for offences punishable under Section 138 of Negotiable Instruments Act.

Plea raised by the petitioner is that the respondent had used his lost cheque, which was not bearing his signatures. The respondent has not examined the counsel, who had issued notice (Ex. C-3). The mere production of notice and its postal receipt is no proof of its service on the petitioner. The loan of ₹1,50,000/- alleged to have been advanced by the respondent, was also not reflected in his income tax return.

The complainant had duly proved cheque of ₹1,50,000/- issued to him by the petitioner. The petitioner on the other hand has produced no evidence to prove that the cheque was not bearing his signatures or when it was lost. This fact is not disputed that the petitioner maintained his account with State Bank of India, Attari, District Amritsar and cheque in question

belongs to his bank account. Learned trial Court on appraisal of evidence has found service of notice (Ex. C-3) before filing of the complaint duly proved. The respondent has produced copy of notice as well as postal receipt to prove this fact. There is no evidence that the petitioner ever informed the bank about lost cheque. The onus was on petitioner to prove the plea taken by him. No prudent man would normally keep blank signed cheque or cheques in such a careless manner that it can be misused by anyone and avoid intimating the bank immediately on its loss. Even no information to police regarding the lost cheque was given by lodging a DDR. The payment of cheque was also not stopped by the petitioner.

On perusal of paper-book and judgment of Courts below, I find no legal or factual infirmity therein calling for any interference in this revision petition, which has no merit and the same is dismissed.

**January 18, 2017**  
jk

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No