

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 4101-2016(O&M)
Date of decision: 31.10.2017

Ravi Kapoor

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Parminder Walia, Advocate for
Mr.Jagjit Gill, Advocate for the petitioner
Mr.Pawan Garg, Assistant Advocate General, Haryana

- 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)

Custody certificate dated 30.10.2017 filed in Court today and the same is taken on record. It shows that the petitioner has already undergone the sentence and has been released.

It comes out that counsel for respondent no.2 was telephonically informed but he has reported that his client is not responding.

It comes out that the petitioner was convicted under section 138 of Negotiable Instruments Act, 1881 as a cheque bearing No.297492 dated 17.4.2013 amounting to Rs.1,60,000/- issued by him in favour of the complainant was dishonoured for want of sufficient funds. A perusal of the trial Court judgment shows that the present petitioner was tenant in the house of the complainant and on account of good relations, a loan was taken for which the cheque was issued. Petitioner has taken the plea before the trial Court that the cheque was given as a security and has been misused.

However, the petitioner failed to prove the said averment.

After going through the judgments of both the Courts below, I do not find any illegality or infirmity in the same. Hence, the present petition is dismissed.

31.10.2017

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes

Whether Reportable: No