

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR No. 4742 of 2016 (O&M)

Date of Decision: 16.03.2017

Gurdial Singh Kalsi

--Petitioner

Versus

Charanjit Kaur

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Karan Garg, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The instant revision petition is directed against the concurrent conviction of the petitioner under Section 138 of the Negotiable Instruments Act and whereby he has been sentenced to undergo SI for 1 year as also fine of Rs.10,000/- and in default of payment thereof to further undergo imprisonment for a period of one month.

The judgement of conviction and order of sentence passed by the Trial Court are dated 31.7.2014. The conviction and sentence stand upheld by the learned Additional Sessions Judge, Ludhiana vide order dated 24.10.2016.

Counsel has raised a two fold submission. It is contended that the notice that was served by the complainant was not on the address of the petitioner and as such, the proceedings initiated under the Negotiable Instruments Act were in itself vitiated. It is also the contention raised by the counsel that the cheque in question had not been issued by the petitioner and did not carry his signatures.

The impugned judgements have been perused.

This Court is of the considered view that the judgement of conviction has been recorded on cogent and valid reasons and upon due appreciation of evidence adduced on record.

As regards the cheque not bearing signatures of the accused/present petitioner, it has gone uncontroverted that the petitioner did not lead any evidence in the shape of handwriting expert etc. to substantiate such contention. Furthermore, in the entire cross-examination of the complainant as CW-1 the accused did not deny that his address was incorrect. The petitioner at no point of time has put in a denial as regards having received the notice Ex. C-3. Even the version set up of running of a Kitty Group by the complainant has gone unsubstantiated as no evidence in this regard was led.

In the considered view of this Court, there would be no basis for interference under the limited revisional jurisdiction exercised by this Court against the concurrent conviction of the petitioner.

Another factor that has weighed with this Court for declining to interfere is the conduct of the petitioner. Even though, the judgement passed by the Appellate Court is dated 24.10.2016, counsel states during the course of hearing that the petitioner till date has not surrendered.

Accordingly, the present petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

16.03.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No