

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

CRR No.2242 of 2017 (O&M)

Date of decision : July 05, 2017

Manohar Singh

..... Petitioner

Versus

Ranbir Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Johan Kumar, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the judgment dated 24.05.2017 passed by learned Addl. Sessions Judge, Faridabad, affirming the judgment of conviction dated 28.11.2016 and order of sentence dated 02.12.2016 passed by learned Judicial Magistrate 1st Class, Faridabad, vide which the accused-revisionist was convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for six months and to pay compensation of ₹2,25,000/- to the complainant-respondent within a period of two months.

The facts of the case show that the present revisionist and the complainant have family relations. The complainant advanced a loan of ₹1,50,000/- to the accused-revisionist in the month of January, 2014. The loan was to be paid within a period of six months. After six months, the accused-revisionist issued a cheque bearing No.000023, dated 23.07.2014 of ₹1,50,000/-. On presentation, the said cheque was dishonoured with the

remarks of 'insufficient funds'. Both the courts below found that the cheque was issued in discharge of legal liability and accordingly held the revisionist guilty.

I have heard learned counsel for the revisionist and have also carefully gone through the case file.

Learned counsel for the revisionist has contended that the cheque in question was issued to one Ravi from whom the accused-revisionist had borrowed a sum of ₹10,000/-. The cheque has been misused by the complainant.

In my view, this is a matter of evidence. There is no evidence to prove that the cheque has been issued to one Ravi for consideration.

Learned counsel for the accused-revisionist has further argued that the capacity of the complainant to advance the loan is not proved, as according to him, he was earning ₹2,00,000/- per annum.

However, with that earning for years the complainant might have saved the amount of ₹1,50,000/- from his earning capacity of ₹2,00,000/- per annum, which is not a big amount. There are concurrent findings of both the courts below. There is no ground to interfere in the same. As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

July 05, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No