

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

**CRR No.2700 of 2017 (O&M)
Date of decision : December 12, 2017**

Ramesh Chand

..... Petitioner

Versus

Devi Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Satish Chaudhary, Advocate for the petitioner.

Mr. Anmol Pandit, Advocate for
Mr. Sourabh Sharma, Advocate for the respondent.

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)

Heard.

Lower court record examined.

Petitioner issued a cheque bearing No.905385, dated 05.09.2012, for ₹3,40,000/-, which was dishonoured for want of 'sufficient funds'.

Learned counsel for the petitioner has argued that the cheque book of the petitioner was lost on 8-9/08/2012 and he had intimated the bank and police in this regard. It is further contended that he never signed any cheque in that cheque book and his signatures on the cheque are forged.

The petitioner examined himself as DW1 and also produced photocopy of the complaints made to the police and the bank. As perusal of these complainants/applications shows that these were filed much later. The complaint to the police was made on 19.03.2013 and the intimation regarding the loss of cheque book received in the bank on 12.11.2012 three

months later after the issuance of the legal notice. The petitioner admitted in his cross-examination that he intimated the bank after he received the legal notice from the complainant. The application to the police was filed after that. The petitioner did not examine any expert to prove his standard signatures on the cheque to prove that these are forged. In addition to his signatures on the front side of the cheque, the petitioner also signed at two places at the back side of the cheque for encashment on presentation. Therefore, there is no illegality or infirmity in the concurrent findings recorded by both the courts below.

Faced with the circumstances, learned counsel for the petitioner has contended that the sentence of rigorous imprisonment one year awarded to the petitioner in the present case is quite harsh and pleads for showing leniency in the sentence.

In this case, out of the cheque amount of ₹3,40,000/-, nothing has been paid so far. Therefore, there is no ground to reduce the sentence.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

December 12, 2017

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Whether speaking / reasoned Yes

Whether Reportable: No