

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

**CRR No.3025 of 2017 (O&M)
Date of decision : November 08, 2017**

Jamal Khan

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sarfraj Hussain, 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)

CRM No.27147-2017

There is delay of 28 days in filing the present revision petition.

For the reasons mentioned in the application, delay of 28 days in filing the present revision petition is condoned, subject to all just exception.

Application stands disposed of.

Main case

Heard.

Lower court file received and perused.

As per case of the complainant, he is running a hotel, whereas the accused-petitioner is a chicken supplier. The accused-petitioner took a loan of ₹8,00,000/- from the complainant for his poultry farm business. In lieu of the said loan, he issued a cheque bearing No.557281, dated 23.01.2012, for ₹8,00,000/- drawn on Punjab National Bank, Branch Sohna.

The cheque when presented to the bank was dishonoured with the

after recording the evidence and taking into consideration the defence evidence led by the accused-petitioner, convicted him for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881, vide judgment of conviction dated 09.06.2015 and sentenced him to undergo simple imprisonment for one year and to pay compensation of ₹8,00,000/-, in default thereof to further undergo simple imprisonment for four months, vide order dated 10.06.2016. The appeal filed by the petitioner was dismissed by the learned Addl. Sessions Judge, Palwal, vide judgment dated 02.05.2017.

Learned counsel for the petitioner has argued that in this case the defence plea of the petitioner is that he had taken loan of Rs.8,00,000/- from Naresh, brother of the complainant and gave two cheques to Naresh, who misused the same by giving one of the said cheques to the complainant. Some blank papers were also signed, on the basis of which, Naresh filed a civil suit for specific performance, judgment of which was exhibited as Ex.D5. The petitioner also produced some documents i.e. Ex.D-1 to D-6, regarding the said civil suit filed by said Naresh. The said documents have been duly discussed by the learned Magistrate, who had taken the view that the civil suit was dismissed on the ground of lack of readiness and willingness on the part of Naresh and the agreement to sell executed in favour of Naresh, brother of the complainant was never held to be forged and fabricated.

The petitioner admitted the loan of ₹8,00,000/-, though it is claimed that it was obtained from Naresh, brother of the complainant. He does not claim that he has repaid the said loan. Therefore, the defence plea of the petitioner was rightly discarded by both the courts below.

In view of the matter, I do not find any illegality or infirmity in the findings recorded by both the courts below.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

November 08, 2017

sarita	
Whether speaking / reasoned	Yes
Whether Reportable:	No