

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

**CRR No.3947 of 2017 (O&M)
Date of decision : November 28, 2017**

Husan Lal Thaman @ Husan Lal Petitioner

Versus

Aman Sanan Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. P.S. Miglani, 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-34334-2017

There is delay of 80 days in filing the present revision petition.

For the reasons mentioned in the application, delay of 80 days in filing the present revision petition is condoned, subject to all just exception.

Application stands disposed of.

Main Case

Heard.

Lower court record received and perused.

The plea of learned counsel for the petitioner is that the cheque in question was issued as security cheque on account of the fact that Bhagwant Rai, brother of the petitioner was doing the hosiery business with the complainant on labour basis. It is further contended that the loan was not shown in the income tax statement.

I am of the view that even if the brother of the petitioner was

working on labour basis with the complainant, the complainant has to pay

the money of the amount is not shown in the income tax returns that does not prove that there is no enforceable debt. In the cross-examination, the complainant has specifically stated that the money was available at home and that amount was advanced to the petitioner as he had stated that the petitioner will get the education loan and will return the money to the complainant.

There is no ground to interfere in the concurrent findings of both the courts below. Regarding the quantum of sentence, I am of the view that the cheque amount was of ₹2,00,000/- and the sentence awarded to the petitioner is of rigorous imprisonment for six months, which cannot be called excessive.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

November 28, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No