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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.L.P. 579/2016

SRODEEP POLYMERS LTD

..... Petitioner

Through: Mr.Naman Joshi with Mr.Arabinda
Nayak, Advs.

versus

ARUN KUMAR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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09.11.2017

The petitioner has challenged the judgment dated 26.07.2017 passed by the learned Trial Court whereby the respondent has been acquitted of the offence under Section 138 of the Negotiable Instruments Act.

The petitioner/complainant is a company which has alleged that the respondent had purchased water tanks worth huge amount. A cheque of Rs.2,15,650/- was issued by the respondent in discharge of his legal liability. On presentation of the aforesaid cheque, the same was dishonoured, for the account being inoperative/dormant. Despite legal notice to the respondent, no payment of the cheque amount was made.

The petitioner/complainant, during trial, relied upon the oral testimony of its Authorised Representative viz. Jot Singh Chauhan and offered certain documents like invoices etc.

The Authorised Representative of the petitioner, who has been examined as CW-1 has stated in cross examination that he did not have any personal knowledge of the transaction between the petitioner/complainant and the respondent and the entire testimony of his was based on derived knowledge. The Trial Court was of the view that the deposition of the attorney who did not have any personal knowledge of the facts could not be accepted as admissible evidence.

The invoices which were relied upon by the petitioner/complainant were also not properly proved. CW-1 expressed his inability to even state the name of the person who had issued the bills/invoices.

Thus, finding that the prosecution had miserably failed to prove its case, the respondent was acquitted.

This Court finds no fault with the judgment and order of acquittal dated 26.07.2016.

Leave declined.

Hence this criminal leave petition is dismissed.

ASHUTOSH KUMAR, J

NOVEMBER 09, 2017

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