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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 69 of 2018**

- Manohar Sahu S/o Shri Ramnath Sahu Aged About 41 Years Caste Teli, R/o Village Nawagaon Gahira, Police Station And Tahsil Saja District Bemetara Present Address Gali No. 4, Gokul Nagar Raipur Gudiyari, Raipur Chhattisgarh

---- Petitioner**Versus**

- Kaina Bai W/o Shri Mohan Paradhi, Caste Paradhi Occupation Kastakar, R/o Suwartala, Post Bortara, Police Station And Tahsil Saja District Bemetara Chhattisgarh

---- Respondent

For Petitioner : Shri Rishi Rahul Soni, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/01/2018**

1. The instant petition is against the registration of the complaint case under Section 138 of the Negotiable Instruments Act made by Kaina Bai, who is respondent herein.
2. Learned counsel for the petitioner would submit that the issue is arising out of a sale transaction, wherein the entire amount was paid to the respondent by cash. Consequently, when the sale deed was being registered, it was shown in the sale deed that the cheque of Rs.2 Lakhs has been given but then actual liability was not existing, therefore, the petitioner did not owe any amount to the respondent.
3. Perused the document and the order-sheet. The record shows that a

property was agreed to be sold for a consideration of Rs.7 Lakhs. Out of that certain amount was paid in cheque and rest of the amount was paid in cash, however, when the cheque which was given for sale consideration was dishonoured, thereafter, after sending notice the complaint was filed. Perusal of the document would show that the cheque having been dishonoured which was given in discharge of the liability, the complaint was filed and the notices were issued, wherein the petitioner appeared and also was enlarged on bail. Thereafter, an application to discharge was filed, however, the same was dismissed by disallowing the defense raised.

4. In view of the above, I do not find any reason to accept the submission made by the petitioner. It is for the trial Court to evaluate the entire facts whether any legal liability was existed or not merely because of the fact that the petitioner claims that the cheque was additional and was not for discharge of any legal liability, the same cannot be accepted. The petition sans merit, it deserves to be and is hereby dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu