

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-A-521-MA-2018

DATE OF DECISION :- July 05, 2018

Devender Sharma

...Petitioner

Versus

Rajinder

...Respondent

CORAM:HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Vats, Advocate,
for the applicant.

GURVINDER SINGH GILL, J. (ORAL)

The applicant/complainant aggrieved by judgment dated 11.12.2017 passed by learned Sub Divisional Judicial Magistrate, Bahadurgarh, in which respondent/accused Rajinder has been acquitted of the charges framed against him under Section 138 of Negotiable Instruments Act has filed the present application seeking leave to file appeal so as to challenge acquittal of respondent.

I have heard learned counsel for the applicant and perused the impugned judgment.

A perusal of the impugned judgment shows that the respondent/accused was having a license of LPG distributorship at Panchkula in the name of Singla Gas Service Sector 8 Panchkula. The respondent/accused being a good friend of complainant offered him to join his business and accordingly, the complainant paid an amount of Rs. 70 lacs to the accused so as to be associated as a partner in LPG distributorship. However, the partnership did not work well and some disputes arose amongst the parties and they ultimately decided to dissolve the partnership

amicably. The complainant alleged that the accused issued two cheques for an amount of Rs. 5 lacs and Rs.20 lacs in discharge of his liability. However, the same were dishonoured leading to the filing of present complaint.

I have heard learned counsel for the appellant. I find that in fact the complainant had received an amount of Rs.67,50,000/- and a receipt Mark A/Ex.R1 had been executed by complainant under his signatures which has not been disputed by him. Learned trial court came into conclusion that once the said amount of Rs.67,50,000/- stood paid to complainant then there was no further liability upon the respondent/accused to pay any amount. As such the complainant having failed to show that the cheques in question had been issued in discharge of his legal liability, the complaint was dismissed by learned Sub Divisional Judicial Magistrate, Bahadurgarh.

I did not find any infirmity in the aforesaid judgment passed by learned trial Court. There is no ground to interfere in the same. I find no merit in the application. There is no ground to grant any leave to file an appeal to challenge the impugned judgment of acquittal. The application is as such dismissed.

(GURVINDER SINGH GILL)
JUDGE

July 05, 2018
neeraj

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No