

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

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**CRM-A-476-MA-2017 (O&M).
Date of Decision: 04.12.2018.**

Harjeet Singh

....Appellant.

Versus

Harsh Immigration and Placement Pct. Ltd. and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Gaurav Sethi, Advocate for the appellant.

Shekher Dhawan, J.

CRM-7457-2017

In view of the grounds mentioned in the application, delay of 4 days in filing the appeal is condoned.

CRM stands disposed of.

CRM-A-476-MA-2017

Present application under Section 378(4) of the Criminal Procedure Code has been filed for grant of leave to appeal against the judgment dated 20.12.2016 passed by learned Judicial Magistrate Ist Class, Ambala, whereby the complaint filed by the appellant-complainant under Section 138 of the Negotiable Instruments Act (for short, 'the Act'), was dismissed.

Learned counsel for the appellant-complainant contended that it had come in the statement of CW3 Amrik Singh that the amount of cheque was paid and the same was given to the accused.

However, the said part of the statement of CW3 has rightly been disbelieved by learned trial Judge because complainant has said in so many words in his statement as CW1 that he did not have any money to be advanced to the accused what to talk of substantial amount of Rs.5,00,000/-. There is no money in his bank account and he has not shown the said amount in his Income Tax Return as well. In light of the statement of the complainant, there was no reason for the Court to disbelieve the statement of complainant and to believe the statement of CW3-Amrik Singh. Resultantly, learned trial Judge has rightly dismissed the complaint filed under Section 138 of the Act.

In view of above, no ground is made to grant any leave to file appeal against the judgment dated 20.12.2016 passed by learned Judicial Magistrate Ist Class, Ambala. Leave to file appeal is declined and the application is dismissed.

(SHEKHER DHAWAN)
JUDGE

04.12.2018
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No