

CRR-2120 of 2018 (O&M)

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

CRR-2120 of 2018 (O&M)
Date of Decision: 12.07.2018

Yogesh Kumar Joshi

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Kunal Dawar, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition, challenge has been laid to the judgment dated 06.03.2018 of the First Appellate Court, affirming the judgment of conviction dated 23.03.2015 and order of sentence dated 25.03.2015 of the trial Court, holding the petitioner guilty and sentencing him to undergo rigorous imprisonment for six months and pay compensation to the tune of ₹73,50,000/- to the complainant under Section 138 of the Negotiable Instruments Act (in short the 'Act'). In default, further undergo simple imprisonment for three months.

In nutshell, on the assurance of the petitioner, that they may earn huge profits, respondent No.2 became business associate of the petitioner and invested huge money. However, their partnership business ran into rough weather. Thereafter, to discharge his liability, the petitioner issued two cheques of ₹46.00 lakhs and ₹3.00 lakhs in favour of respondent No.2-complainant, which, on presentation, were dishonoured on two different counts, viz. 'stoppage of payment by the drawer' and 'insufficient funds' in the account.

Ravinder Singh
2018.07.13 17:22
I attest to the accuracy and
authenticity of this document

Being aggrieved, respondent No.2 filed complaint under Section

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138 of the Act, which, after lengthy trial was accepted, holding the petitioner guilty under Section 138 of the Act vide judgment of conviction and order of sentence referred to above.

Being aggrieved, petitioner approached the First Appellate Court, but remained unsuccessful as his appeal too was dismissed.

Learned counsel for the petitioner *inter alia* contends that petitioner has issued both the cheques in question as a security and not to discharge his liability. Both the Courts below have failed to appreciate this aspect of the matter.

Having heard learned counsel for the petitioner and considering overall facts and circumstances, I find the instant petition completely devoid of any merit, inasmuch as the points raised before this Court have already been dealt with by both the Courts below in detail. There are concurrent findings of both the Courts below against the petitioner. No new fact has been argued by learned counsel for the petitioner from which it can be inferred that judgments of both the Courts below require any interference.

Therefore, I do not find any illegality or perversity in the impugned judgments.

Dismissed.

July 12, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No