

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

CRR-330-2018

Date of decision:-29.1.2018

Gurdeep Singh

...Petitioner

Versus

Angrej Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Mandeep Singh Khillan, Advocate
for the petitioner.

H.S. MADAAN, J.

This revision petition is directed against the order dated 21.12.2017 passed by learned Additional Sessions Judge, Karnal vide which an application under Sections 311 and 391 Cr.P.C. filed by the petitioner – appellant - Gurdeep Singh had been dismissed.

Briefly stated, facts of the case are that one Angrej Singh had filed a criminal complaint under Section 138 of Negotiable Instruments Act against accused Gurdeep Singh (present petitioner) and vide judgment dated 18.1.2014, the petitioner – accused was convicted and vide order dated 23.1.2014, he was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.500/- for the commission of

offence under Section 138 of Negotiable Instruments Act and in default of payment of fine, to undergo simple imprisonment for a period of seven days.

Feeling aggrieved, accused/convict had preferred an appeal to the Court of Sessions, which was assigned to learned Additional Sessions Judge, Karnal therein he had moved an application under Sections 311 and 391 Cr.P.C. to the effect that he had no relation with complainant Angrej Singh, rather said Angrej Singh is father-in-law of Gurnam Singh, Commission Agent through whom, the applicant used to sell his produce and cheques in questions were obtained by Gurnam Singh for security purposes, so much so even account of applicant was also got opened by Gurnam Singh in the name of the appellant and some transactions in that account were made by Gurvinder Singh; that cheques were taken by the firm M/s Gurnam Singh, Gurvinder Singh, which were got misused through their relative Angrej Singh, otherwise applicant had not received any money from him and that at the time of leading evidence before the lower Court, he could not produce the 'J' forms as well as the certificates issued by Punjab National Bank regarding transactions and his application be allowed and he be permitted to lead additional evidence.

The application was resisted by the complainant – respondent.

After hearing the rival contentions, learned lower Appellate Court disposed of the application with following observations:

After having given a thoughtful consideration over the rival submissions of both sides, it is considered view of this Court

that when the accused had cross-examined the complainant then he had set up his defence that he used to sell his produce with Gurdeep Singh and that he had taken no money from him, but he never put his defence about the existence of alleged J forms. Similarly, when PW2 Sh.S.K. Mittal, Senior Manager from PNB Assandh was examined and if he had not produced the desired record, in that eventuality, the appellant should have got produced the desired documents in his defence. The proposed 'J forms' pertain to the year 2007 to 2010 which were in existence at the time of getting the defence evidence recorded but the same were not got produced. It is not the case of accused that he had tried to produce these documents before the learned trial Court also but the Court did not allow to do so.

Keeping in view of the above discussion, it is considered view of this Court that the proposed documents are not essential to be taken on record for the disposal of this appeal because the accused has admitted this fact that he had issued the signed cheque to the complainant. The case law authorities referred by learned counsel for the applicant with due respect, are distinguishable in the facts of this case, hence not applicable. Accordingly the application of the applicant/accused u/s 311 and 391 Cr.P.C. for leading the additional evidence is hereby dismissed being devoid of any merits.

Feeling dissatisfied with the said order, the appellant/accused/petitioner has approached this Court by way of filing the present petition.

I have heard counsel for the petitioner besides going through the record.

It is well settled law that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse. Merely because another view in the matter is possible, no inference with such judgment is to be done.

In the present case, I do not find any such illegality or infirmity with the impugned order much less apparent on the face of it. The order is certainly not in violation of settled principles of criminal jurisprudence. I do not see any reason to upset the impugned order.

Finding no merits in the petition, the same stands dismissed.

29.1.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No