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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.L.P. 249/2016

GAGANDEEP SINGH

..... Petitioner

Represented by: Mr. Iqbal Singh, Adv.

versus

SURENDER KAPOOR

..... Respondent

Represented by: Mr. Yog Verdhhan, Adv.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

17.01.2018

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This criminal leave to appeal petition relates to the acquittal of the respondent in complaint case filed by the petitioner/complainant relating to cheque No. 317561 dated 25th November, 2005 for a sum of ₹5 lakhs drawn on Punjab National Bank, Hari Nagar in favour of the complainant.

The case of the complainant is that the amount was advanced by him from his routine income. Learned Trial Court noted that on the one hand petitioner has failed to show sufficient income to pay tax and on the other hand he was in a position to advance a loan for ₹5 lakhs within three months. The petitioner also took varying stands during trial and sought time to produce the register in which he maintained sale of vehicles account. From the record produced it was evident that no vehicle was sold between

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November 2004 and January 2005. The petitioner then advanced the story that an amount of ₹2,50,000/- was due to be received by him from a vehicle sold on 14th June, 2004. However the petitioner was not even able to prove the same.

In view of these varying stands by the petitioner, the learned Metropolitan Magistrate acquitted the respondent vide order dated 17th February, 2016. The petitioner having failed to prove that the cheque was in discharge of a legal liability, the view expressed by the learned Metropolitan Magistrate cannot be held to be perverse warranting interference.

Petition is dismissed.

MUKTA GUPTA, J.

JANUARY 17, 2018
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