

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.460 of 2019

Pramod Kumar Sao, son of Ramavatar Sao, aged about 37 years, resident of Shanti Nagar, House No.473, Police Station Banki Mongra, Tahsil Katghora, District Korba, Chhattisgarh

---- Petitioner

versus

Harihar Sahu, son of Shatruhan Sao, aged about 48 years, resident of Shanti Nagar, Double Storey Quarter No.221/2, Police Station Banki Mongra, Tahsil Katghora, District Korba, Chhattisgarh

--- Respondent

For Petitioner	:	Shri S.R.J. Jaiswal, Advocate
For Respondent	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

5.9.2019

1. Heard on admission. Perused the impugned judgment and record of the Court below.
2. Vide impugned judgment dated 22.10.2018 passed by the Judicial Magistrate First Class, Katghora, District Korba in Criminal Case No.587 of 2017, the Respondent has been acquitted of the charge framed under Section 138 of the Negotiable Instruments Act.
3. From perusal of the statement of Complainant Pramod Sao (Complainant Witness No.1), it reveals that during cross-examination, in paragraphs 8 and 9, he himself has admitted the fact that the cheque in question was not written by the Respondent. The cheque bears only signature of the Respondent. It has also been admitted by this witness that the entire particulars, which are mentioned in the cheque, were filled in by Ishwari Sahu, a friend of this witness. This witness has further admitted that Ishwari Sahu made all the entries in the cheque as was instructed by him. Thus, from the above admissions, it is clear that a blank

cheque was given by the Respondent and the said cheque bore only signature of the Respondent. On the date of issuance of the said cheque, the Respondent was legally liable to pay any amount to the Complainant/Petitioner is not established. Thus, the finding of the Judicial Magistrate First Class is in accordance with the evidence available on record and, therefore, the Respondent has rightly been acquitted.

4. I find no substance in the instant application for grant of leave to appeal. The application (Cr.M.P.) is, therefore, dismissed at the admission stage itself.

Sd/-
(Arvind Singh Chandel)
Judge