

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

228

CRM-A-346-2019(O&M)
Date of Order: 13.11.2019

VIVEK GUPTA, PROPRIETOR RAMESH TRADING COMPANY,
HOSHIARPUR

...Appellant

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Piyush Bansal, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

Special leave to appeal has been sought against the judgment of acquittal passed by the learned Judicial Magistrate Ist Class, Hoshiarpur.

Criminal complaint was filed alleging dishonour of cheque of Rs.25,00,000/- drawn at Indian Overseas Bank, Gaushala Road, Sangrur which on presentation for clearance was reported unpaid with remarks "funds insufficient".

On appreciation of evidence, it has come on record that the parties were having business transactions between them. The Court has found that in the complaint, complainant-appellant has pleaded that Rs.31,31,640/- is due which includes interest, however, calculation thereof has not been produced. The aforesaid interest is also not part of accounts statement Ex.C7 produced by the complainant. Further the Court has held that even if the interest @ 18% is calculated from the date of closing of the statement, the amount of cheque does not become due and payable. The handwriting and ink used while filling up various columns of the cheque are

different. On the basis thereof, the Court has recorded a finding that probably the cheque in question was a security cheque which has been filled up by the appellant.

Learned trial Court has drawn a reasonable and probable conclusion on the basis of evidence produced. While entertaining appeal against acquittal, the jurisdiction of the Court is limited.

Learned counsel for the appellant, although, made sincere attempt to persuade this court to make a different view but could not draw attention of the Court to any perversity or substantive error in the order passed by the learned Judicial Magistrate.

Hence, leave to appeal is declined.

November 13, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No