

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRR-61-2019 (O&M)**

DATE OF DECISION: JANUARY 23, 2019

RAJESH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.**

PRESENT: MR. S.S. MAJITHIA, ADVOCATE FOR THE PETITIONER.

**MANOJ BAJAJ, J.(ORAL)**

CRM-2095-2019

This is an application for placing on record copy of cheque dated 3.4.2017 as Annexure P-7 and copy of summoning order dated 23.05.2017 as Annexure P-8. The same is taken on record.

CRM stands disposed off.

**CRR-61-2019**

The petitioner has challenged the order dated 10.12.2018, passed by Judicial Magistrate Ist Class, Panipat, whereby his application to determine the age of ink on the cheque has been rejected. Learned counsel for the petitioner has argued that the cheque in question was given to the complainant in the year 2013 which has been misused by him by filling-up the same in the year 2017. Learned counsel for the petitioner has argued that if the age of the ink is determined, it could be proved that the cheque has been misused.

With the assistance of learned counsel, I have gone through the

impugned order passed by the trial Court dated 10.12.2018 as well as heard learned counsel for the petitioner.

The argument of the learned counsel for the petitioner is absolutely misconceived. As per the application filed before the trial Court, it is clearly pleaded that 'signed blank cheque' was delivered to complainant, who had filled it in the month of April, 2017. According to the learned counsel, if the age of ink is determined, it will prove misuse of cheque by complainant.

Mere use of two different inks on the cheque would not render it invalid, particularly when the signatures upon the instrument are not disputed by the accused. The instrument is valid on the date when it is presented to the banker, the instrument which has been placed on record bears the date as April, 2017. Therefore, the argument that the ink on the cheque is different is of no significance.

In the considered opinion of this Court, the order passed by the trial Court does not warrant any interference.

Petition is dismissed.

January 23, 2019  
Gulati

**(MANOJ BAJAJ)**  
**JUDGE**

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No