

THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-A-463-2019(O&M)
Date of Order: 25.11.2019

Ramesh Singh

...Appellant

Versus

Gurpreet Singh Bajwa

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohiteshwar Pal Joshi, Advocate, for
Mr. Harshit Jain, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

Special leave to appeal has been sought against the judgment of acquittal passed by the learned Sub Divisional Judicial Magistrate, Dhuri, dated 29.11.2018, while dismissing the complaint under Section 138 of the Negotiable Instruments Act, 1881.

Cheque amounting to Rs.5,50,000/- drawn on HDFC Bank, dated 07.10.2016, was dishonoured with the remarks "account closed", resulting in filing of the complaint.

Learned Sub Divisional Judicial Magistrate has found that there is no document to prove that Rs.5,50,000/- was given as a friendly loan. Still further, the appellant is working in a medical shop, drawing a salary of Rs.15,000/- and his income from all sources does not prove that he has capacity to lend amount of Rs.5,50,000/- to a stranger without any document.

In view thereof, the conclusion drawn by the learned Sub Divisional Judicial Magistrate is based on appreciation of evidence and is a probable view.

Learned counsel for the appellant, although, made sincere attempt, however, failed to draw attention of the court to any substantive error or perversity in the judgment.

Hence, this court is not inclined to interfere with the judgment of acquittal.

Dismissed.

November 25, 2019
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(ANIL KSHETARPAL)
JUDGE

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