

**112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.320 of 2019 (O&M)
Date of Decision : 13.03.2019**

Muninder Singh

..... Petitioner

Versus

Malik Ram

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Randhir Singh Hooda, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

1. This revision has been filed against the concurrent conviction of the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as “the Act”).

2. The allegations against the petitioner were that he had sold a plot to the complainant but the sale deed was fake since the plot was not owned by him and subsequently he had given two cheques in part payment to return the amount. Those cheques having bounced he gave a notice. Since the petitioner did not file any response to the notice the instant complaint was filed and as mentioned above he has been convicted by both the Courts below.

3. Learned counsel for the petitioner has argued that during his cross examination the complainant had admitted that the petitioner had paid

this fact was not mentioned in the complaint and therefore, it must be assumed that the cheque amount was not legally payable to the complainant.

4. In this connection, it may be noticed that the case of the complainant was that the petitioner had duped him of a sum of Rs.11,50,000/- and the two cheques involved in the present case are for a sum of Rs.2,50,000/- and Rs.2,60,000/-. Even if the complainant admitted the receipt of Rs.2,00,000/- and Rs.6,60,000/-, the petitioner was not able to prove that those amounts were out of the amount mentioned in these two cheques.

5. In the circumstances, I find no fault with the judgments of the Courts below.

6. Consequently, the revision petition stands dismissed.

7. Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

13.03.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No