

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

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CRM-A No.1020-MA-2018.
Date of Decision: 15.03.2019.

Nashreen Begum

....Applicant.

Versus

Rashmi Sinha

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Johan Kumar, Advocate for the applicant.

Shekher Dhawan, J.

Present application under Section 378(4) of the Criminal Procedure Code has been filed by the applicant-complainant for grant of leave to appeal against the judgment dated 12.03.2018 passed by learned Judicial Magistrate Ist Class, Faridabad, whereby the complaint under Section 138 of the Negotiable Instruments Act (for short, 'the Act'), was dismissed.

2. Learned counsel representing the applicant-complainant contended that she had filed a complaint under Section 138 of the Act as cheque of Rs.1,00,000/-, which was duly signed by the respondent-accused, was dishonoured. Due notice was given and thereafter, the complaint was filed. The applicant-complainant led the evidence and the signatures on the cheque were not disputed by the respondent-accused. Still learned Magistrate dismissed the complaint without any good reason.

3. Having considered the submissions made by learned counsel for the applicant-complainant and on appraisal of the record, this Court is of the considered view that learned Magistrate has considered all these facts and rightly observed that onus was lawfully shifted upon the respondent-accused. In turn, the respondent led the evidence and examined Smt. Laxmi as DW1, who had supported the case of the respondent. Learned Magistrate rightly appreciated the evidence that it was quite unbelievable that a person would raise loan so as to advance further loan against cheque to the respondent and the applicant-complainant has miserably failed to prove the same.

4. In view of the above, no ground is made out for acceptance of the present application seeking leave to appeal. Resultantly, the application stands dismissed.

(SHEKHER DHAWAN)
JUDGE

15.03.2019

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No