IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-1072-MA-2018 (O&M)
Date of decision : 21.01.2019

Ajay Dagar ....Applicant

Versus

Sh. Mukesh Sharma and another .... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikrant Rana, Advocate for applicant.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard on the application filed under Section 378(4) of the Code of Criminal Procedure Code.

Learned counsel for the applicant contends that respondent No. 1-Mukesh Sharma took a loan of Rs. 2,25,000/- and in order to discharge the liability, he issued a cheque amounting to Rs. 2,25,000/- vide cheque No. 924394 dated 25.5.2015. On presentation of the cheque by appellant-complainant for encashment, same was returned back with the remarks *'payment stopped by drawer'.*

Learned trial Court after recording the evidence came to the conclusion that though a loan was taken by Mukesh Sharma but the cheque in question was signed by his wife-Madhu Sharma, respondent No. 2.

Since respondent No. 1-Mukesh Sharma has not issued any cheque, therefore, he is not liable under Sections 138/142 of the Negotiable Instruments Act, 1881. No notice to respondent No. 2-Madhu Sharma was issued as required under the Act before filing the complaint regarding dishonour of the cheque. Therefore, she also cannot be held liable.

It being so, I do not find any illegality or infirmity in the order dated 22.3.2018, passed by Judicial Magistrate Ist Class, Gurugram.

Dismissed.

(KULDIP SINGH)
JUDGE

21.01.2019
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Whether speaking / reasoned Yes/No
Whether Reportable: Yes/No