

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

245

CRM-A-1242-MA-2018(O&M)

Date of Order:18.11.2019

SATVIR SINGH

..Petitioner

Versus

TEJ PAL SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kamal Chaudhary, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

Special leave to appeal has been sought against the judgment of acquittal passed by the learned Magistrate under Section 138 of the Negotiable Instruments Act, 1881. The learned Magistrate has recorded the following reasons:-

- (1) Before lending the huge amount of Rs.12,00,000/-, appellant never had any transactions with the accused;*
- (2) Date of demand of friendly loan and its advancement has not been disclosed either in the complaint or in the evidence;*
- (3) The appellant has failed to prima-facie establish his financial capacity to lend Rs.12,00,000/- as advance;*
- (4) The appellant does not know personal details of the respondent, who is claimed to be a friend.*

Learned counsel appearing for the appellant has submitted that the respondent is the neighbour of the appellant and, therefore, knows personal details. He, hence, submits that the aforesaid findings of the Court are erroneous.

Be that as it may, an amount of Rs.12,00,000/- which has been claimed to have been given as a friendly loan, is without a written contract. The source of Rs.12,00,000/- is also not known.

Appellant has filed an application under Section 391 of the Code of Criminal Procedure for proving that his wife had entered into an agreement to sell dated 16.09.2015. The aforesaid document was not produced before the trial Court. The document sought to be produced is not of unimpeachable credibility. Initially, the appellant took a stand that he entered into an agreement to sell. Now he is changing the stand that in fact wife of the appellant had entered into an agreement to sell.

Learned trial Court has taken a reasonable and probable view on appreciation of evidence. The judgment passed by the learned Court does not suffer from any perversity.

Hence, no ground to grant special leave to appeal is made out.

Dismissed.

November 18, 2019
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(ANIL KSHETARPAL)
JUDGE

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