

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

CRM-A-856-MA-2013 (O&M)

Date of decision : 01.11.2019

Sudha Bansal

...Applicant/appellant

Versus

Ravinder Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Sharma, Advocate for the applicant/appellant.

ANIL KSHETARPAL, J. (ORAL)

CRM-33508-2019

For the reasons stated in the application, application for restoration is allowed. Main petition is restored to its original number. With the consent of learned counsel for the applicant/appellant, same is taken on Board for final disposal.

Main

Leave to appeal has been sought under Section 378(4) of Cr.P.C. against judgment of acquittal passed by the learned Judicial Magistrate, Ist Class, dismissing complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as “the Act of 1881”).

Learned Court has found that presumption as provided under Section 139 of the Act of 1881, stands rebutted as complainant could not

produce any document to prove that there was any friendly loan transaction between the complainant and the accused. Still further, statement of Manoj Kumar who has been examined as defence witness No.1 proves that four cheques in question were given to the complainant as security cheques. This evidence was also corroborated by Harbhajan Singh who has appeared as DW2. On reading of the judgment, it is apparent that learned Judicial Magistrate, Ist Class has drawn a reasonable and probable conclusion, which is not proved to be suffering from perversity or any substantive error.

Hence, dismissed.

In view of the order passed in abovesaid leave to appeal bearing CRM-A-856-MA-2013, no order is required to be passed in application for condonation of delay of 719 days in filing the appeal.

01.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No