

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(240)

CRM-A-1522-MA-2018

Decided on: January 23, 2019.

RAJESH KUMAR

.... Applicant/Appellant

Versus

JAGBIR SINGH

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Naveen Sharma, Advocate
for the applicant-appellant.

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SUDHIR MITTAL, J, (Oral)

This appeal has been preferred by the complainant against the judgment dated 11.05.2018 vide which the complaint under Section 138 of the Negotiable Instruments Act 1881 filed by the complainant has been dismissed.

According to the complainant, the respondent/accused borrowed a sum of ₹4,00,000/- from him and in discharge of the said liability a cheque of ₹4,00,000/- was issued but the same was dis-honoured leading to the filing of the complaint.

The judgment of the trial Court shows that it has been passed on the basis of appreciation of evidence on record that the accused/respondent returned a sum of ₹2,00,000/- through cheque. However, the defence version that another ₹2,00,000/- was paid through cash, was disbelieved.

Keeping in view the fact that the cheque in dispute was for a sum of ₹4,00,000/-, it was held that the same could not be held to have been issued in discharge of a legally enforceable liability because ₹2,00,000/- had already been returned. Thus, the complaint was dismissed.

Learned counsel for the appellant/complainant has not been able to point out any evidence on record to support his contention that the aforementioned finding is incorrect or erroneous.

Thus, I do not find any reason to interfere in the impugned judgment.

The appeal is accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

January 23rd, 2019

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No