IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-2071-MA-2018 (O&M)
Date of decision : 09.04.2019

Fortune Wire Private Limited

...Applicant/appellant

Versus

M/s Sumeet Screws Private Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kunal Dawar, Advocate for the applicant/appellant.

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ANIL KSHETARPAL, J. (ORAL)

CRM No.34365 of 2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 97 days in filing the appeal is condoned.

Application is allowed.

Main case

Application for leave to appeal has been filed under Section 378(4) of the Code of Criminal Procedure against the judgment acquitting the accused and dismissing the complaint filed by the applicant/appellant.

Learned trial Court, after appreciating the evidence, has found that the payment with regard to the cheque in question has already been credited to the account of the complainant.

This Court has heard learned counsel for the applicant-appellant and with his able assistance gone through the judgment passed by the trial Judge.

Learned counsel has produced copy of the ledger book maintained by the applicant/appellant in the name of respondent No.2. It is apparent that respondent through bank transaction transferred ₹1,00,000/- on 30.01.2014 and ₹2,18,132/- on 28.02.2014. The aforesaid amount has been duly credited. Thereafter, there were further transaction between the parties. Last transaction is dated 29.07.2014. After 29.07.2014, applicant/appellant has admittedly received payment of ₹2,65,000/- on 16.08.2014, ₹1,49,229/- on 29.09.2014 and ₹3,41,662/- on 16.10.2014. Thereafter remaining balance amount which was recoverable came to less than ₹3,18,132/-. However, two entries have been made, one is with regard to the discount and rebate of ₹19/- and there is another entry of freight and cartage outward for ₹11,500/- i.e. debit entry. From the statement of account, it is apparent from the perusal of copy of the ledger book that neither at any point of time any entry of discount or rebate was entered nor separate entry of freight and cartage has been entered. Thus, it is apparent that in order to adjust the amount, these two entries have been made.

In view of the above, learned trial Court has rightly found that the payment for the cheque amount has already been received. Hence, leave to appeal is declined.

09.04.2019 **(ANIL KSHETARPAL)**
Pawan **JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No