

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-A-1343-MA-2017 (O&M)

Date of decision: 09.07.2019

Vijay

..... Applicant

Versus

Deepak Chauhan

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Nonish Kumar, Advocate
for the applicant.

None for the respondent.

ANIL KSHETARPAL, J.(ORAL)

In spite of notice, no one has appeared on behalf of the respondent. Hence, this Court has proceeded to hear the arguments of learned counsel for the applicant.

Application for leave to appeal under Section 378(4) of the Code of Criminal Procedure has been filed against the judgment of acquittal passed by the learned Judicial Magistrate Ist Class, Karnal dated 24.03.2017.

The applicant-complainant had filed the complaint under Section 138 of the Negotiable Instruments Act, 1881 on the ground that cheque of Rs.4,00,000/- issued by the accused in discharge of his legal liability i.e. a friendly loan, has been dishonoured on presentation and in spite of notice, the payment has not been made.

This Court has heard learned counsel for the applicant at length

and with his able assistance gone through the judgment passed.

The accused had defended the case and the Court has found following major reasons for acquittal which are as under:-

1. It is the case of the complainant that accused had demanded the amount from him in the presence of cousin of complainant-Karan who has not been examined. It will be noted here that Karan was a partner with the accused.

2. The accused has proved on file Ex.D-1, a compromise arrived at before the police which is duly signed by the complainant. Although, the complainant has disputed his signatures, however, the aforesaid signatures of the complainant has been proved.

3. The alleged loan is without executing any document.

4. The applicant is a police official.

Learned counsel for the applicant although, made since attempt to persuade this Court to take a different view, however, in absence of any material irregularity or perversity in the judgment, this Court does not find any good ground to interfere.

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

Dismissed.

(ANIL KSHETARPAL)
JUDGE

09.07.2019
D.Bansal

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No