

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

Sr. No.208

**CRM-A-2198-MA-2016 (O&M)
Date of decision : 2.12.2019**

Arvind Kumar

..... Applicant

VERSUS

Shri Ishak

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.K. Saini, Advocate, for the applicant.

SUDHIR MITTAL, J. (Oral)

This application against acquittal is directed against judgment dated 4.10.2016, whereby the complaint filed by the applicant under Section 138 of the Negotiable Instrument Act, 1881 (hereinafter referred to as 'the Act') has been dismissed.

Learned counsel for the applicant submits that the trial Court was in error in holding that the accused had succeeded in rebutting the presumption under Section 139 of the Act. In his statement under Section 313 Cr.P.C., the accused has not denied his signature on the cheque.

A perusal of the impugned judgment shows that the trial Court has examined the evidence on record in detail and has reached a finding of fact that no money was ever advanced to the accused and that documents have been forged by the complainant to prove advance of money. Thus, the trial Court has found that when no money was advanced by the complainant, there was no question of issuance of cheque in discharge of any legally enforceable debt. Learned counsel for the applicant has not been able to point out any error in the aforementioned findings, which may require interference by this Court.

Thus, the application has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

2.12.2019
Ramandeep Singh

Whether speaking / reasoned	Yes / No
Whether Reportable	Yes/ No