

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

Sr. No.235

CRM-A-353-MA-2016

DECIDED ON: January 21, 2019

RAVINDER KUMAR MITTAL

..APPELLANT

VERSUS

RANJIT SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ashok Tyagi, Advocate,
for the appellant.

SUDHIR MITTAL, J. (ORAL)

This appeal against acquittal has been filed by the complainant because vide impugned judgment dated 14.01.2016, complaint under Section 138 Negotiable Instruments Act, 1881 has been dismissed.

A perusal of the impugned judgment shows that as per evidence on record in the shape of report received from the Forensic Science Laboratory, Madhuban, the cheque in dispute had been tampered. The handwriting on the body of the cheque was in a different hand and ink as compared to the handwriting of the signature. Moreover, the amount filled up in figures had also been tampered. Keeping this evidence in view, the trial Court held that the cheque in question had been rendered invalid and no action could be taken upon the complaint. It has further been held that the accused had successfully rebutted the presumption existing against him.

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Learned counsel for the appellant submits that the signature on the cheque in dispute has been admitted. Further, it is highly improbable that any person would issue a blank cheque with only the amount in figures mentioned thereupon. Thus, the trial Court was in error in rejecting the complaint.

The arguments raised by learned counsel for the appellant are misconceived. Merely, because the signature is admitted by the accused, it does not lead to the conclusion that he had in fact issued the cheque in discharge of a legally enforceable debt. The case of the accused is that a cheque with only the amount mentioned in words was given by him to one Jagmohan and in connivance with said Jagmohan, the complainant had altered the cheque and presented it in his account even though there was no business dealings between him and the appellant. The report of the Forensic Science Laboratory, Madhuban, supports the contention of the accused persons that the cheque had been tampered with and thus on the basis of preponderance of probabilities, the defence stands established.

In this view of the matter, the contentions of learned counsel for the appellant has not been established. No other argument has been raised by learned counsel for the appellant.

The appeal is without any merit and is accordingly dismissed.

January 21, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No