

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

CRM-A-1449-MA-2014(O&M)

Date of decision: 15.10.2019

Balwan Singh

.....Appellant

Versus

Shamsher Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Pratap Singh Gill, Advocate for
Mr. Aman Pal, Advocate for the applicant-appellant

ANIL KSHETARPAL, J. (ORAL)

Leave to appeal has been sought against judgment of acquittal.

Learned Judicial Magistrate on appreciation of evidence has found that on the basis of defence evidence presumption in favour of holder of a cheque as provided under Section 139 of Negotiable Instruments Act, 1881 stands rebutted. The Court has found that in the absence of any agreement or writing with regard to friendly loan, the complainant has failed to prove that the cheque in question was issued for due and recoverable debt. On reading of the judgment passed by the Court, it is apparent that the Court has taken a reasonable and probable view. The jurisdiction of the Court while hearing an appeal against acquittal is limited. Hence, no ground to grant leave to appeal is made out.

Dismissed.

15.10. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No