

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

CRM-A-749-MA-2016 (O&M)  
Date of decision : 15.11.2019

Rajinder Kumar Sodhi

...Applicant/appellant

Versus

Satvir Singh and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Ms. Rishma Verma, Advocate for the applicant/appellant.

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**ANIL KSHETARPAL, J. (ORAL)**

**CRM-33716-2019**

For the reasons stated in the application, application for grant of special leave to appeal is restored to its original number.

Application is allowed.

With the consent of learned counsel for applicant/appellant, application for special leave to appeal is taken on Board today itself.

**CRM-A-749-MA-2016 (O&M)**

Heard learned counsel for the applicant/appellant.

Application for grant of Special Leave to Appeal has been sought against the judgment of acquittal passed by the Judicial Magistrate Ist Class, Jalandhar. Learned Judicial Magistrate Ist Class, Jalandhar has

recorded following reasons to dismiss the complaint:-

- i) Accused has proved his probable defence by putting the suggestion to the witnesses of the prosecution from where it is established that the cheque in question was issued as a security cheque towards transaction of immovable property between the parties. Accused has also examined DW3-Joga Singh, Junior Assistant in the office of Sub-Registrar, Jalandhar to prove the sale deed executed on 09.12.2011.
- ii) Complainant has failed to prove his capacity to advance a sum of ₹5,00,000/-. The complainant did not lead any evidence to prove his financial capacity although accused had challenged the financial capacity of the complainant. Accused has examined Harish Panday, Manager of Canara Bank, who had brought the bank account statement of the complainant for the period from 01.04.2012 to 18.10.2012 which reveals that there is not even a single transaction in the aforesaid account.
- iii) Complainant-appellant has not mentioned the date, month or year of advancing of friendly loan as is being alleged either in the legal notice got issued or in his complaint filed or in his evidence.

Learned Judicial Magistrate has drawn reasonable conclusion on appreciation of evidence.

While entertaining an application for grant of special leave to appeal, appellant is required to establish that there is some perversity or material irregularity in the conclusion drawn.

Learned counsel for the applicant-appellant although made sincere attempt, however, failed to draw attention of the Court to any substantive error or perversity in the judgment passed.

Hence, dismissed.

**15.11.2019**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-      Yes/No**

**Whether reportable:-                Yes/No**