

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

**CRM-A-728-MA-2018 (O&M)
Date of Decision:18.11.2019**

Sunil Kumar Aggarwal

...Petitioner

Versus

Narinder Kumar

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Bhavesh Aggarwal, Advocate for the applicant.

ANIL KSHETARPAL, J.

CRM-14489-2018

For the reasons stated in the application, which is supported by an affidavit, delay of 55 days in filing the application for grant of special leave to appeal is condoned.

CRM stands disposed of.

Main case

Special leave to appeal has been sought against the judgment of acquittal passed by the learned Magistrate while dismissing the complaint under Section 138 of the Negotiable Instruments Act, 1881.

The learned court has recorded following reasons to dismiss the complaint:-

(i) The complainant-applicant Sunil Kumar has stated that various columns of the cheque were filled by someone who had come alongwith accused. However, his name has not been disclosed.

(ii) Details and manner in which Rs.95,000/- was given as

friendly loan has not been provided, although, the complainant has admitted that different amounts were extended as a friendly loan on different dates and time.

(iii) The complainant-applicant is an income tax assessee and he has stated that he has depicted the aforesaid amount in the income tax returns. However, the income tax returns have not been produced.

The learned trial court has drawn a reasonable conclusion on the basis of evidence available on the file. The aforesaid conclusion is not shown to be perverse.

In view of the above, the present application is dismissed.

18.11.2019
mks

(ANIL KSHETARPAL)
JUDGE

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