

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-2432-MA-2017(O&M)

Date of decision: 07.12.2019

Anil

.....Appellant

Versus

Subhash Chander

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Munish Kumar Garg, Advocate for the appellant

ANIL KSHETARPAL, J. (ORAL)

Special leave to appeal has been sought against the judgment of acquittal passed by the learned Judicial Magistrate First Class while dismissing complaint under Section 138 of the Negotiable Instruments Act filed on the basis of dishonour of a cheque amounting to Rs.6 lacs dated 12.7.2012 drawn on HDFC Bank. Learned Court has recorded following reasons to dismiss the complaint:-

- i) Complainant-appellant has failed to produce any document of alleged friendly loan of Rs. 6 lacs.
- ii) The cheque is dated 12.7.2012 whereas the accused had lost the cheque and had stopped payment thereof on 20.3.2012.

With the able assistance of the learned counsel for the appellant, this Court has gone through the statement of appellant. The appellant has admitted that he had met respondent-accused only once at the

residence of his sister. He further admits that handwriting and the pen used to fill up various columns of the cheque for filling up name, date and amount are different from the signatures. Further the appellant when appeared in the evidence, has stated that he arranged the amount by taking some loan from the Commission Agent, sale of Buffalo and jeep, however, no documents in support thereof have been produced.

Alongwith special leave to appeal, an application for permission to lead additional evidence has been filed to place on record a copy of the alleged agreement to sell dated 16.11.2011. Appellant is admittedly not a party to the aforesaid agreement to sell. Agreement to sell is executed in favour of accused Subhash Chander and Vijay Kumar by Ram Mehan and Ashok Kumar. The aforesaid agreement does not support the case of the appellant. Learned Judicial Magistrate has drawn a reasonable and probable conclusion on appreciation of evidence. Learned counsel for the appellant failed to draw attention of the Court to any substantive error or perversity in the judgment. Hence, no ground to grant leave to appeal is made out.

Dismissed.

07.12.2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No