

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

**CRM-A-2487-MA-2017 (O&M)
Date of Decision:22.10.2019**

Rajni Sharma

...Appellant

Versus

Parminder Kaur

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Amandeep Singh, Advocate for the appellant.
Mr.Mohit Garg, Advocate for the respondent.

ANIL KSHETARPAL, J.

Leave to appeal has been sought against the judgment of acquittal.

A criminal complaint filed under Section 138 of the Negotiable Instrument Act, 1881 (for short `the Act of 1881) has been dismissed by the learned trial court. The court has found that the complainant has failed to prove that she has financial capacity to advance a friendly loan of Rs.16 lacs and that also without a document in writing. The court on examination of record, held that presumption as available under Section 139 of the Act of 1881 stands rebutted and the case set up by the complainant is not convincing.

The petitioner-complainant had taken a stand that the aforesaid amount was arranged after executing the certain sale-deeds. However, the aforesaid sale-deeds were never proved on the file. As per the income tax record, annual income of the petitioner-complainant is Rs.2,35,520/-. The court has held that it is not expected that the petitioner would advance a friendly loan of Rs.16 lacs without any written contract. The view taken by

the learned trial court is reasonable and probable on appreciation of evidence. The jurisdiction of the High Court while hearing leave to appeal is limited. A judgment of acquittal cannot be interfered with unless there is any perversity or material irregularity in the view taken by the learned trial court.

In the considered view of this Court, learned counsel for the applicant has failed to point out any perversity or substantive error in the judgment of acquittal. Hence, leave to appeal is declined.

In view of the above, the present application is dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

22.10.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No