

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-A-1906-MA of 2015
Date of Decision: November 05, 2019.

Tilak Raj

.....Appellant

versus

Rajinder Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Prithi Singh Chauhan, Advocate, for the appellant.
Mr.Gobind Dhanda, Advocate, for the respondent.

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Anil Kshetarpal, J. (Oral)

Special leave to appeal has been sought against the judgment of acquittal in a criminal complaint filed under Section 138 of the Negotiable Instruments Act, 1881.

Learned Judicial Magistrate, 1st Class has found that the appellant-complainant has failed to show any evidence of debt or loan given by the appellant in favour of the respondent-accused. Exhibit C-8 relied upon by the appellant does not bear the signatures of the respondent-accused. It is only signed by the appellant-complainant. Still further, as per the statement of account from the bank, the appellant normally has bank balance of Rs.40,000/- to Rs.50,000/-, whereas the alleged loan is of Rs.55,70,000/- and that also without any document. It is admitted by the appellant that he was tenant under the respondent. The respondent-accused has also given guarantee for the loan taken/borrowed by the appellant. Still further, the appellant has failed to show that the amount in question has been given as loan at any point of time.

Learned Judicial Magistrate has taken a reasonable and

probable view which is not established to be suffering from any perversity and any error. Hence, no ground to grant leave to appeal is made out.

Dismissed.

November 05, 2019

mohinder

(ANIL KSHETARPAL)

JUDGE

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