

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-2589-MA-2017(O&M)

Date of decision: 09.12.2019

Manjit Lal

.....Appellant

Versus

Santosh Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Kulwinder Kaur, Advocate for
Mr.Naveen Batra, Advocate for the appellant

Mr. Yash Yadav, Advocate for respondent

ANIL KSHETARPAL, J. (ORAL)

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

In the present case, proceedings were initiated by the complainant with the averments that accused has taken a friendly loan of Rs.4 lacs in order to meet his domestic needs and for return thereof a cheque no. 190949 dated 10.2.2013 drawn on HDFC Bank was issued from account no. 2661530004871. Learned Judicial Magistrate after appreciating the evidence found that the complainant has filed a complaint before the Consumer Court on 21.1.2013. Hence, it is improbable that after having initiated proceedings before the Consumer Court, the appellant would lend the loan. Further, the Court has found that no date, month or the year when the alleged loan was given/paid to the accused has been disclosed.

Learned counsel for the appellant although made sincere

attempt, however, fails to draw attention of the Court to any substantive error or perversity in the view taken.

Learned Judicial Magistrate has drawn a probable view on appreciation on evidence, which is not shown to be erroneous. Hence, no ground to grant leave to appeal is made out.

Dismissed.

09.12. 2019	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No