

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

Sr. No.207

CRM-A-481-MA-2015 (O&M)

Date of decision : 2.12.2019

Surinder Bansal

..... Applicant

VERSUS

Mukesh Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rajesh Gupta, Advocate, for the applicant.

SUDHIR MITTAL, J. (Oral)

Vide judgment dated 4.2.2015, the complaint of the applicant, filed under Section 138 of the Negotiable Instrument Act, 1881 (hereinafter referred to as 'the Act') has been dismissed on the ground that the presumption raised against the accused under Section 139 of the Act stands rebutted by virtue of the fact that the alleged receipt (Ex. C6) appears to be forged and that the probability of the complainant having given another loan to the accused during the pendency of the earlier proceedings under Section 138 of the Act, is remote. The trial Court has reached a finding that the cheque in dispute was issued as a security cheque and has been misused.

No meaningful argument has been raised by learned counsel for the applicant to displace the aforementioned findings.

Accordingly, the appeal/application has no merit and is dismissed.

**(SUDHIR MITTAL)
JUDGE**

2.12.2019

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No