

THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-A-58-MA-2017(O&M)
Date of Order: 25.11.2019

Mohan Lal Walia

...Appellant

Versus

Amarjit Kumar @ Manga

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandep Sharma, Advocate
for the appellant.

ANIL KSHETARPAL, J.

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

Proceedings were initiated on dishonour of cheque bearing No.072925 dated 05.08.2014 for an amount of Rs.5,50,000/- drawn on HDFC Bank, Chandigarh Road, Kurali, which on presentation was dishonoured.

Learned Additional Chief Judicial Magistrate has recorded the following reasons to dismiss the complaint:-

- (1) The case of the complainant is highly doubtful;
- (2) It has not been disclosed when and in what manner the amount of Rs.5,50,000/- was given as a friendly loan;
- (3) There is no document in writing to prove the alleged friendly loan except the cheque in question;

- (4) Complainant has retired from Audit Department as Senior Auditor and is an income tax assessee but the aforesaid amount has not been depicted in his income tax return.

Learned Magistrate has taken a reasonable and probable view on appreciation of evidence.

Learned counsel for the appellant, although, made sincere attempt, however, failed to draw attention of the court to any substantive error or perversity. Still further, the reasons which have been extracted above, appear to be probable and plausible.

Hence, this court is not inclined to interfere with the judgment of acquittal.

Dismissed.

November 25, 2019
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(ANIL KSHET ARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No