

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-846-MA-2017(O&M)
Date of Order:13.12.2019

Gurdev Singh

..Petitioner

Versus

Sukhwant Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ravinder Singh Joon, Advocate
for Mr. H.S.Batth, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

Leave to appeal has been sought against the judgment of acquittal passed by learned Judicial Magistrate Ist Class, Amritsar, in a complaint filed under Section 138 of the Negotiable Instruments Act, on dishonour of cheque amounting to Rs.3,00,000/-.

As per the case of the complainant-appellant, he had given a sum of Rs.4,00,000/- as friendly loan to the respondent in August, 2013 and for a return thereof, a cheque in question was issued for Rs.3,00,000/-, whereas Rs.1,00,000/- was paid in cash.

Learned Judicial Magistrate on appreciation of evidence has found that the cheque in question belongs to an account of the complainant which was got opened by the Commission agents Baljit Singh and Amarjit Singh and they have kept the complete blank signed cheque book of the farmer/respondent herein with them. Charan Singh when appeared as Special Power of Attorney holder of the complainant, admit that he knew Baljit Singh and Amarjit Singh, commission agents, being his relatives.

Apart therefrom, official from the AXIS Bank was examined as DW1, who has produced account opening form of the accused which reveals that Amarjit Singh had signed as introducer on behalf of M/s Baljit Singh Amarjit Singh, Merchants & Commission Agents. Further accounts statement of the respondent produced by the bank official prove that a sum of Rs.1,60,000/- was deposited by Baljit Singh and Amarjit Singh on 02.05.2011 which was withdrawn later on by Baljit Singh through cheque No.13861 on 02.05.2011 itself.

Further another amount of Rs.1,50,000/- was deposited in the account of the accused-respondent on 28.10.2011 by Baljit Singh and Amarjit Singh which was again withdrawn on the same day which is proved from perusal of reverse leaf of the cheque. Similarl, deposits were made by Baljit Singh and Amarjit Singh on different dates and same modus operandi was adopted.

Learned counsel for the appellant, although, made sincere attempt, however, failed to draw attention of the court to any substantive error or perversity.

Hence, leave to appeal is declined.

December 13, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No