

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-828-MA-2015(O&M)

Date of decision: 10.12.2019

Rakesh Bhati

.....Appellant

Versus

Ishwar Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. J.S.Hooda, Advocate for the appellant

ANIL KSHETARPAL, J. (ORAL)

Leave to appeal has been sought against judgment of acquittal passed by learned Judicial Magistrate First Class while dismissing the complaint under Section 138 of the Negotiable Instruments Act, 1881, complaining dishonour of cheque dated 19.12.2012 worth Rs.5,90,000/- drawn on Oriental Bank of Commerce, Palwal.

Learned Judicial Magistrate has recorded the following positive findings:-

i) Complainant-appellant claims that he had given a friendly loan of Rs.5,90,000/- to the accused. No document in support thereof except the cheque in question has been produced.

ii) It has also come in evidence that appellant was not possessed of means to give loan of Rs.5,90,000/- and as per his allegation he had borrowed this amount from Narender Solanki, Kishan Bainsla and Sanjeev Bhati. The aforesaid

persons/ friends have not been examined by the appellant.

In view thereof, the findings recorded by the learned Judicial Magistrate First Class is on appreciation of evidence and the Judicial Magistrate has drawn a probable conclusion.

While hearing leave to appeal against judgment of acquittal unless appellant establishes substantive error or perversity in the conclusion drawn by the Court, the appellate Court cannot interfere. Learned counsel for the appellant, although made sincere attempt, however, failed to draw attention of the Court to any substantive error or perversity to take a different view. Hence, no ground to grant leave to appeal is made out.

Dismissed.

10.12. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No