

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-94-MA-2014(O&M)

Date of decision: 11.12.2019

Amrik Singh

.....Appellant

Versus

Jaswinder Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Bhavyadeep Walia, Advocate for the appellant

Mr. D.S.Gurna, Advocate for the respondent

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, filed on dishonour of the cheque No. 35687 dated 11.12.2006 for an amount of Rs.1,30,000/- drawn on State Bank of Patiala, District Court Branch, Patiala.

As per the case of the complainant-appellant, the amount in question was given to the accused-respondent as a friendly loan. Learned Judicial Magistrate on appreciation of evidence has found that the appellant has admitted that his son Harpreet Singh gave an application to Senior Superintendent of Police against Naib Singh, Gural Singh and Jaswinder Singh on 2.5.2005 and 5.5.2005 which was inquired into by the District Superintendent of Police, Nabha who gave his report on 13.10.2005. A perusal of the aforesaid documents clearly proves that son of the

complainant had alleged in the application that present accused in connivance with Naib Singh and Gurpal Singh had misappropriated an amount of Rs.1,50,000/-. The cheque in question is dated 11.12.2006. The Court has found that the case set up by the complainant does not inspire confidence. Further appellant has admitted that he does not know any family member of the accused which also leads the Court to the fact that the story of friendly loan is not correct.

Learned Judicial Magistrate has drawn a reasonable and probable conclusion 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 in the judgment. Hence, no ground to grant leave to appeal is made out.

Dismissed.

In view of the dismissal of the appeal on merits, no orders are required to be passed on the application for condonation of delay.

11.12. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No