

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-798-2019(O&M)

Date of decision: 16.11.2019

Sohan Lal and another

.....Appellants

Versus

Ishwar Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.H.S.Mann, Advocate for
Mr. Rajinder Goyal, Advocate for the appellants

ANIL KSHETARPAL, J. (ORAL)

Special leave to appeal has been sought against judgment of acquittal passed by learned Judicial Magistrate First Class while dismissing complaint under Section 138 of Negotiable Instruments Act, 1881. It is undisputed that appellants are a partner and commission agent firm whereas respondent-accused is a farmer.

Allegations are that in order to discharge his liability respondent had handed over the cheque in question which on presentation was dishonoured. In order to prove that the cheque amount was due and payable, appellant produced copies of account books Ex. C.5 to Ex.C.8. However, none of the entries were signed by the accused. Still further it has come on record in the defence evidence that when the respondent opened an account in the Bank, son of appellant no.1 Sohan Lal had signed the same as a proposer. It is the case of the respondent that when the account was opened and cheque book was issued, son of the complainant had obtained one blank signed cheque from the respondent.

This Court has heard learned counsel for the appellant at length and with his able assistance has gone through the paper book. Learned Judicial Magistrate on appreciation of evidence has drawn a reasonable and probable conclusion which is not shown to be perverse. The jurisdiction of the Court while hearing special leave to appeal is limited. The Appellate Court can interfere against judgment of acquittal only, if it is established that judgment under appeal suffers from any perversity or substantive error. Learned counsel for the appellants fails to draw the attention of the Court to such perversity or substantive error. Hence, no ground to grant leave to appeal is made out.

Dismissed.

16.11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No