

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1713-2019(O&M)

Date of decision: 11.12.2019

Hem Chander

.....Appellant

Versus

Azad Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.B.K.Bagri, 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, filed on dishonour of the cheque No. 773356 dated 15.5.2014 for an amount of Rs.1,50,000/- drawn on UCO Bank Bahadurgarh Branch.

Learned Judicial Magistrate on appreciation of evidence has recorded following findings:-

- i) There is no document of friendly loan.
- ii) The financial capacity of the complainant is doubtful to extend a friendly loan of Rs.1,50,000/-.
- iii) Bank account No.242901100137 is not maintained by the accused and therefore, offence under Section 138 of the Negotiable Instruments Act, 1881 is not maintainable. Bank official has been examined as CW2 who

has certified that account number is not maintained by the respondent.

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.

11.12. 2019	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No