

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-A-997-MA-2016 (O&M)

Date of decision: 09.07.2019

M/s S.S. Traders

..... Applicant

Versus

Gopal

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Aman Pal, Advocate for the applicant.

ANIL KSHETARPAL, J.(ORAL)

CRM-16007-2016

For the reasons stated in the application, the delay of 15 days in filing the appeal is condoned.

Application is allowed.

CRM-13275-2019

Statement of CW-1 recorded before the Court below is taken on record.

Application is allowed.

Main Case

Application for leave to appeal under Section 378(4) of the Code of Criminal Procedure has been filed against the judgment passed by the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri.

This Court has heard learned counsel for the applicant at length and with his able assistance gone through the judgment passed.

In short, learned Court had acquitted the accused and dismissed

the complaint under Section 138 of the Negotiable Instruments Act, 1881 on the following grounds:-

1. The complainant has not appeared in the witness-box post summoning of the accused. The complainant has got examined his son-Golden Deep as Power of Attorney holder. The dealing was with the proprietor of the firm i.e. Shamsheer Singh. No justifiable reason has come as to why the complainant has not appeared in the Court in support of his case.

2. It is alleged by the complainant that loan of Rs.5,00,000/- was advanced to the accused. The complainant-firm is in the business of money lending. The complainant-firm is working as a commission agent whereas the accused is a farmer. However, for advancing the loan of Rs.5,00,000/-, no signatures of the accused has been taken in the account books of the appellant-firm.

3. It has come in evidence that the accused had stopped selling his agriculture produce through the complainant-firm in April, 2013. The Court on appreciation of evidence has found that there was no occasion to extend the credit facility once the firm had stopped selling the crop from the complainant-firm.

Learned counsel for the applicant, although, made since attempt to persuade this Court to take a different view, however, in absence of any material irregularity or perversity in the judgment, this Court is not inclined to interfere.

Hence, no ground to grant leave to appeal is made out.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

09.07.2019

D.Bansal

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No