IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-662-2019 (O&M)
Date of decision : 10.12.2019

District Primary Co-op Agrl. & Rural Development Bank Ltd.

...Applicant/appellant

Versus

Krishan Dutt

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mumtaz Khan, Advocate for
Mr. J.S. Virk, Advocate for the applicant/appellant.

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ANIL KSHETARPAL, J. (ORAL)

Leave to Appeal has been sought against the judgment of acquittal passed by the Judicial Magistrate, Ist Class, Karnal, dismissing complaint under Section 138 of the Negotiable Instruments Act, 1881 filed on dishonour of the cheque amounting to ₹2,25,000/- dated 21.03.2016.

Learned Judicial Magistrate has found that previously also, applicant/appellant had filed a complaint on the same ground claiming dishonour of the cheque which resulted in conviction. However, in appeal, offence was permitted to be compounded on payment of the entire amount and the appellant-bank did not disclose this fact while filing the complaint.

The Court has concluded that, had there been any balance on

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the date offence was allowed to be compounded, appellant would have pointed out this fact.

Learned Judicial Magistrate has drawn a probable view on appreciation of evidence.

Learned counsel for the applicant/appellant although made sincere attempt, however, failed to draw any substantive error or perversity in the order passed.

Hence, leave to appeal is declined.

10.12.2019 **(ANIL KSHETARPAL)**
Pawan **JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

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