

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

**Criminal Misc. No. A-3764-MA-2018 (O & M)
Date of Decision:-07.5.2019**

Mukhtiar Singh

...Appellant

Versus

Satnam Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. K.P.S. Virk, Advocate
for the appellant.

MANOJ BAJAJ J.

Applicant-appellant has challenged the judgment dated 08.10.2018 passed by the Judicial Magistrate 1st Class, Karnal in a Criminal Complaint No.2148 of 2017, titled as “Mukhtiar Singh vs. Satnam Singh”, under Sections 138 and 142 of the Negotiable Instruments Act, whereby the trial Court has acquitted the respondent-accused.

Learned counsel for the appellant has argued that though the complainant has suffered the admission that the alleged loan was advanced to the accused through currency notes having denomination of Rs.2000/-, despite that the Court has committed an error in law in acquitting the accused, particularly when the signatures on the cheque were not disputed by him.

This Court does not find any reason to interfere in the judgment of acquittal passed by the trial Court as the presumption carried under the statute in respect of the cheque stood rebutted by the vital admissions suffered by the complainant , as at the time of advancement of the alleged loan, i.e. on 01.10.2016, the currency notes of denomination of Rs.2000/- were not in existence. Since the liability alleged by the complainant is not established, therefore, the Court has rightly proceeded to acquit the accused.

In view of the above, no ground for interference is made out in the impugned judgment dated 08.10.2018 passed by the trial Court.

Resultantly, the appeal alongwith applications filed, if any, stands dismissed.

May 07, 2019,
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No