

CRM-A-12-MA-2018
Date of Decision: 08.01.2020

Kanshi Ram Gaur ... Appellant

v/s

M/s R.S. Enterprises and another ... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Wazir Singh, Advocate
for the appellant.

* * *

VIVEK PURI, J. (ORAL)

The appellant is aggrieved by the judgment dated 12.10.2017 passed by learned Judicial Magistrate First Class, Panipat vide which the complaint under Section 138 of the Negotiable Instruments Act was dismissed and the respondents/accused were acquitted. Precisely, the controversy pertains to the cheque worth Rs.2,50,000/- which on presentation was dishonoured. The version of the complainant is to the effect that appellant had worked as Manager with the respondents from April 2010 to January 2013 and the cheque was issued on account of salary for the said period.

The learned trial Court has observed that no document evident of employment of the appellant with the respondent was produced on record. The notebook produced by the appellant was concluded to be self-prepared document wherein the writings were recorded lateron. There was no document to indicate that any amount of salary due was payable to the petitioner. Furthermore, it also weighed in the mind of the learned trial

Court that it sounds improbable that the person will render services for a period of about 3 years without any demand of salary.

In such circumstances, the view taken by the learned trial Court appears to be reasonable and probable and does not suffer from any perversity, illegality or error which may call for any interference or indulgence of this Court.

Leave to appeal is declined.

08.01.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No