

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

CRM-A-999-MA-2014 (O&M)

Date of decision : 14.01.2020

Mahinder Kumar

...Appellant

Versus

Kasam

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S. Sandhu, Advocate
for the applicant/appellant (Amicus Curiae).

ANIL KSHETARPAL, J. (ORAL)

CRM-297-2020

For the reasons stated in the application, the same is allowed.

Appeal is restored to its original number.

With the consent of learned counsel of Amicus Curiae, the
appeal is taken on Board for final disposal.

CRM-19371-2014

For the reasons stated in the application, delay of 79 days in
filing the present appeal is condoned.

Application is allowed.

CRM-A-999-MA-2014 (O&M)

Complainant is seeking leave to appeal under Section 378 of
the Code of Criminal Procedure against the judgment of acquittal passed by

the learned Judicial Magistrate, dismissing complaint under Section 138 of the Negotiable Instruments Act. The complainant had claimed that he had supplied two trucks on rent for a period of 2 months against the payment of ₹1,50,000/- which was sought to be paid through cheque in question. On presentation for encashment, the cheque in question was dishonoured.

Learned Judicial Magistrate, on appreciation of evidence, has found that the complainant has failed to disclose any written agreement or contract or even receipt to prove the alleged transaction. The complainant was also unable to disclose the date, place or time when the alleged agreement took place. No doubt, even the oral contract is permissible, however, to prove that fact, the complainant has failed to bring any corroborative evidence in support of his case.

On appreciation of evidence, learned Judicial Magistrate has drawn a probable conclusion.

Learned Amicus Curiae, although made sincere attempt, however, fails to draw attention of the Court to any substantive error or perversity in the judgment passed.

In view thereof, there is no ground to interfere.

Accordingly, the leave to appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

14.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No