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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-2325-MA-2018 (O&M)
Date of decision : 19.12.2022

HDFC BANK LTD

....Applicant/Appellant

Versus

SURESH PAL

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Saurabh Bhardwaj, Advocate
for the applicant/appellant.

Mr. Inderjit Singh, Advocate
for the respondent.

PANKAJ JAIN, J. (ORAL)

CRM-37032-2018

This is an application seeking condonation of delay of 354 days in filing the application for leave to appeal.

For the reasons recorded in the application, the same is allowed. The delay of 354 days in filing the instant application seeking leave to appeal is hereby condoned.

CRM-A-2325-MA-2018

Instant application has been preferred under Section 378(4) Cr.P.C. seeking leave to appeal against the judgment of acquittal passed by JMIC, Yamuna Nagar at Jagadhri whereby the complaint filed by the applicant/appellant against the respondent for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 stands dismissed.

2. Cheque (Exhibit C1) dated 1st of March 2014 drawn on Centurian Bank of Punjab for a sum of Rs.6,39,919/- is the subject matter of the present complaint. The accused had a loan account with the erstwhile Centurian Bank of Punjab which merged with HDFC bank in the year 2008 and such petition seeking amalgamation was allowed whereby the date of merger was decided to be 23rd of May of 2008. Resultantly in the light of the aforesaid facts the Trial Court held as under :-

> "17. It is pertinent to mention that the cheque in question Ex.C1 is dated 01.03.2014 and is for an amount of Rs.6,39,919/-. As per the order of the Reserve Bank of India Ex.C9 & Ex.C10, the amalgamation of the CBOP and the HDFC bank took place on 23.05.2008. The cheque in question stands in the name of CBOP whereas the date on the cheque is 01.03.2014. It is pertinent of mention that the accused would not have given the cheque in question dated 01.03.2014 for repayment of loan to HDFC bank which got merged with CBOP on 23.05.2008. The date on the cheque is stamped, whereas the rest of the cheque is filled with pen. Thus, the cheque in question was not issued to present complainant i.e. HDFC bank. However, the HDFC bank is stated to have received the cheque from the CBOP at the time of amalgamation of the two."

and dismissed the complaint.

3. Having heard counsel for the parties and after going through the records of the case, this Court is of the considered opinion that no legal infirmity could be found with the impugned judgment of acquittal. Moreover, counsel for the applicant/appellant is not in position to dispute the fact that in similar circumstances Co-ordinate Bench of this Court in

CRM-A No.10857-MA of 2018 titled as **HDFC Bank Ltd vs. Ram Singh** vide order dated 18th of November, 2019 dismissed the application preferred by the complainant seeking leave to appeal.

4. Resultantly, no ground to interfere in the impugned judgment is made out. The same is ordered to be dismissed.

December 19, 2022 **(PANKAJ JAIN)**
Dpr **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No