HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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222 **CRM-A-1565-2019 (O&M)**

Date of Decision: 05.09.2022

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M/s Pardeep Hosiery Works ... Appellant

VS.

Pratima Puri ... Respondent

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CRM-A-1956-2019

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M/s Pardeep Hosiery Works ... Appellant

VS.

Vishal Puri ... Respondent

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CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

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Present: Mr. Rajbir Singh, Advocate for the appellant

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Sandeep Moudgil, J. (Oral)

CRM-23205-2019 in CRM-A-1565-2019

For the reasons mentioned in the application, the same is allowed and the delay of 77 days in filing the appeal is condoned.

CRM stands disposed of.

CRM-23207-2019 in CRM-A-1565-2019

Allowed as prayed for. Document (Annexure A1) is taken on record subject to just exceptions.

CRM stands disposed of.

MAIN CASE

This order shall dispose of CRM-A-1565-2019 and CRM-A-1956-2019 as both the cases are inter-related. For the purpose of order, CRM-A-1565-2019 is being treated as the lead case.

The appellant – M/s Pardeep Hosiery Works filed complaint under Section 138 of the Negotiable Instruments Act against the respondent alleging that the respondent in relation to the business transaction purchased goods on credit basis worth Rs.50000/- from the appellant-complainant firm at Ludhiana. Two cheques were issued of Rs.25000/- each in favour of the complainant firm. However the said cheques were bounced on the ground of "account closed" vide memos dated 21.07.2015 and 18.08.2015 which resulted in filing the complaint under Section 138 of the Negotiable Instruments Act before the trial Court. The said complaint was dismissed vide order dated 25.02.2019 by the JMIC, Ludhiana.

Learned counsel for the appellant contended that it is not disputed by the respondent that her signatures were on the cheque and she herself admitted that the cheques were issued by her in order to discharge her legal enforceable debt.

I have heard learned counsel for the appellant and gone through the records and am of the considered view that these appeals ought to fail. During cross-examination, the appellant-complainant has failed to show bill/invoice, ITR returns or account statements to prove supply of goods to the respondent. Also, the appellant does not know as to where from the respondent is carrying out her business; the appellant is also not aware of the name of the shop; and the appellant is unable to mention the description of the goods allegedly supplied to the respondent. All these glitches clearly show the improbability of the business dealings between the appellant and the respondent.

No fault is, thus, found with the judgment of the acquittal. The appeal therefore, fails.

Dismissed.

05.09.2022
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned? ***Yes/No***
2. Whether reportable? *Yes/No*