

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

**CRM-A No.1269-MA of 2014 (O&M)
Date of Decision: 25th July, 2022.**

Jasbir Singh Viridi

...Applicant-Complainant

Versus

State of Punjab & Another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. N.K. Vadehra, Advocate,
for the applicant.

* * * *

MEENAKSHI I. MEHTA, J.

CRM No.24578 of 2014

This application has been moved on behalf of the applicant for seeking condonation of the delay of 93 days in filing the appeal.

Heard.

Keeping in view the reasons as mentioned in the present application, the same is allowed.

CRM-A No.1269-MA of 2014

By way of this application, the applicant (here-in-after referred to as 'the complainant') seeks the leave to appeal so as to assail the judgment dated 01.03.2014 passed by learned Judicial Magistrate Ist Class, Gurdaspur (for short 'the trial Court') in the Criminal Complaint No.11 of 2008 filed by him (complainant) against respondent No.2 (here-in-after referred to as 'the accused') under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the NI Act'), whereby the said accused

has been acquitted.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant against the accused in the above-said criminal complaint, are that the accused had purchased the Coal from him through several Bills and had issued a cheque worth Rs.03 lac in his (complainant's) favour towards the payment of the price thereof but when presented in the concerned Bank, the said cheque was returned with the remarks "Drawer's Signature Differ". The complainant led his preliminary evidence and vide the order dated 08.09.2008, the accused was summoned to face the trial under the afore-said provisions and on his putting in appearance in the Court, he was served the notice of accusation accordingly. He pleaded not guilty to the same and claimed trial. Thereafter, the complainant led his evidence and then, the accused was examined under Section 313 Cr.P.C. He also examined Ramesh Kumar, the Manager, as DW-1 in his defence evidence. After appreciating and evaluating the evidence as led on the record and hearing learned counsel both the parties, the trial Court acquitted the accused vide the impugned judgment.

3. I have heard learned counsel for the applicant in the present application and have also perused the file carefully.

4. As specifically mentioned in the above-said judgment under challenge itself, the complainant had alleged regarding the accused having purchased the Coal from him vide various Bills but no such bill was proved by him on the record to substantiate this fact. In these circumstances, it becomes explicit that the trial Court has rightly observed that the

complainant had failed to establish that the amount of the cheque in question was legally recoverable from the accused.

5. Moreover, in Para No.14 of the afore-said judgment, it has also been mentioned that the above-named DW-1 had also categorically deposed that Saving Bank Account No.4976 was maintained in their Bank in the name of one Naveen Sharma. From the afore-discussed depositions, it becomes crystal clear that the said cheque did not pertain to the account of the accused and this fact eats into the vitals of the whole case and makes it highly doubtful.

6. As a sequel to the fore-going discussion, it follows that there is no illegality, infirmity, irregularity or perversity in the impugned judgment so as to grant leave to the applicant to file the appeal to lay challenge to the same. Resultantly, the application in hand, being *sans* any merit, stands dismissed.

25th July, 2022
seema

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>