

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.106

CRR-344-2023 (O&M)

Date of decision : 10.02.2023

Ram Partap Saini

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Saurabh Bahmani, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner was the accused in a complaint filed under Sections 138, 141 & 142 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the Act). Vide judgment dated 24.07.2015, he was convicted and sentenced to undergo simple imprisonment for a period of six months and was directed to pay compensation amount of Rs.13,00,000/-. Appeal against the judgment has been dismissed vide judgment dated 20.01.2023 and thus, the present revision petition has been filed.

Learned counsel for the petitioner has submitted that the defence of the petitioner was not taken into consideration by both the Courts below. The petitioner was the tenant of the complainant. His premises had been broken, opened by him in his absence and cheque book had been stolen. A leaf from this stolen cheque book was mis-used. Accordingly, the petitioner had not committed any offence under Section 138 of the Act as there was no lawfully payable debt.

The submission cannot be accepted because no evidence regarding the cheque book having been stolen and the cheque having been consequently mis-used was produced during the trial. A mere submission is not entitled to be accepted unless it is supported by evidence.

For the foregoing reasons, the revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

10.02.2023
Ramandeep Singh

Whether speaking / reasoned	Yes
Whether Reportable	No