

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

CRM-A-2233-MA of 2017

Date of Decision: March 03, 2023

Parveen Aggarwal

...Applicant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajesh Lamba, Advocate for the applicant.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.
Mr. B.S. Tewatia, Advocate for respondent No.2.

DEEPAK GUPTA, J.(Oral)

On the complaint filed by the petitioner under Section 138 of the Negotiable Instruments Act, accused Attar Singh (now respondent) was acquitted by the learned trial Court vide judgment dated 18.08.2017, against which present application seeking leave to appeal is filed.

Trial Court record was called.

Both the counsels have been heard.

It is revealed that in his statement recorded under Section 263(g) Cr.P.C made on 30.04.2016, the respondent- accused had taken specific stand that he had already made entire payment to the complainant. In order to substantiate this defence, the respondent-accused examined Kamal Singh as DW1, who examined on 17.05.2017 was given suggestion on behalf of the complainant himself that the entire payment had already been made by respondent Attar Singh to the petitioner Parveen. The said suggestion to DW1 was admitted by him to be correct.

It is thus clear that the stand taken by the respondent-accused to the effect that he had already made the entire payment

to the complainant- petitioner, is duly proved by his own suggestion given on behalf of the complainant to the witness of the accused- respondent.

In view of the aforesaid circumstances, no ground is made out to grant leave to file the appeal and so, the same is declined.

Dismissed.

March 03, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No