

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. A-370 of 2020 (O&M)

Date of Decision: January 24, 2023

M/s Gupta Shoe Point

.....Appellant

versus

M/s Arpit Cosmetics and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. S.K. Rana, Advocate
for the applicant

Sudhir Mittal, J. (Oral)

A complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed by the applicant but the same has been dismissed vide judgment dated 17.12.2019 passed by the concerned Magistrate. Thus, the present appeal has been filed by the complainant.

A perusal of the judgment under appeal shows that the grounds for dismissal of the complaint are inherent weaknesses in the complainant's story as several contradictions and improvements are there in the evidence.

This finding has been returned on appraisal of the evidence on record and the same has been referred to in the impugned judgment. A complaint has been filed on the basis of Bills Ex. C6 regarding sale of shoes to the accused. This has been denied by the accused on the ground that it is in the business of cosmetics. The fact that the accused has been in the business of cosmetics since the inception has been admitted by the complainant in his cross-examination. Having failed on this ground, the complainant stated that the accused had taken loan from him but could not prove the same.

The findings aforementioned are supported by the evidence on record and learned counsel for the applicant has failed to point out that the evidence has either been misread or misconstrued or that the findings are not supported by the evidence on record. Thus, the impugned judgment does not suffer from any infirmity and does not call for any interference.

Appeal being meritless is dismissed.

(SUDHIR MITTAL)
JUDGE

January 24, 2023

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No