

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

CRR-1388-2022(O&M)

Date of Decision:-13.12.2023

Pardeep Kumar.

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amandeep Singh Manaise, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

Mr. D.K. Singhal, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The instant revision petition has been preferred by the petitioner-accused against the judgment dated 04.12.2019 passed by the Additional Sessions Judge, Patiala whereby the judgment of conviction dated 03.06.2019 passed by Judicial Magistrate Ist Class, Patiala has been upheld.

2. The brief facts of the case are that the complainant Rakesh Kumar Singla file a complaint under Section 138 of the Negotiable Instruments Act stating that in discharge for his legally enforceable debt the petitioner-accused issued a cheque bearing no.887644 dated 11.11.2015 for an amount of Rs.50,000/- of ICICI Bank in his (complainant's) favour which came to be dishonoured. Based on the preliminary evidence the petitioner was summoned to face trial vide order dated 02.02.2016.

3. On conclusion of the Trial the petitioner was convicted and sentence as under:-

Name of the Convict	Under Section	Sentence
Pardeep Kumar	138 of Negotiable Instruments Act	Rigorous imprisonment for a period of one year and compensation equivalent to Rs.50,000/- along with simple interest @ 9% p.a. from the date of issuance of cheque till the final realization from the date of issuance of cheque of amount and in case of default of compensation simple imprisonment for period 03 months.

4. Thereafter the petitioner preferred an appeal before the Court of Additional Sessions Judge, Patiala which also came to be dismissed vide judgment dated 04.12.2019.

5. The present revision petition has been preferred against the aforementioned judgments of conviction.

6. The Counsel for the petitioner contends that the courts below did not appreciate the evidence in its proper perspective. The complainant had failed to prove that the cheque had been issued in the discharge of legally enforceable debt. In fact, a blank signed cheque had been misused by a partner of the petitioner leading to his conviction. The alleged loan transaction had not been reflected in the income tax returns. The petitioner was financially much better placed and, therefore, the question of borrowing any amount from the complainant did not arise. He, therefore, contends that the impugned judgments were liable to be set aside and the petitioner ought to be acquitted of the charges framed against him.

7. The Counsel for the complainant on the other hand contends that the offence against the petitioner-accused stood well established on the basis of the evidence available on record. No infirmity whatsoever could be

found in the well reasoned judgments of the Trial Court and lower Appellate Court. The petitioner had admitted his signatures on the cheque in question. Therefore, there was no merit in the present petition and the same was liable to be dismissed.

8. I have heard learned Counsel for the parties.
9. A perusal of the file would reveal that the offence against the petitioner stands well established. The signatures on the cheque stands admitted. There is absolutely no evidence to suggest that the blank signed cheque by the petitioner had been misused by the partner. In fact there was absolutely no evidence of any partner of the petitioner. The duly served legal notice had not been responded to by the petitioner to set up any defence whatsoever. The petitioner has also not been able to prove that he was financially better placed and, therefore, did not require the loan from the complainant. Further, merely because the cheque amount had not been reflected in the ITRs of the complainant does not weaken the case of the complainant in view of the evidence available on record.
10. In view of the above, I find no reason to interfere with the well reasoned judgments of conviction recorded by the Judicial Magistrate Ist Class, Patiala which has been upheld by Additional Sessions Judge, Patiala. Resultantly, the revision petition stands dismissed.

(JASJIT SINGH BEDI)

JUDGE

December 13, 2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>