



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

**CRM-M-1148-2024  
DECIDED ON: 12.02.2024**

**DALJIT SINGH AND ANOTHER                      .....PETITIONERS**

**VERSUS**

**CORPORATION BANK AND ANOTHER                      .....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vijay Rana, Advocate  
for the petitioners.

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**SANDEEP MOUDGIL, J (ORAL)**

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for seeking quashing of the impugned order dated 18.08.2023 (Annexure P-10) passed by the Court of learned Additional Sessions Judge, Jalandhar, District Jalandhar vide which the criminal revision filed by the present petitioners has been dismissed as well as the order dated 03.08.2018 (Annexure P-8) passed by the Court of learned Judicial Magistrate Ist Class, Jalandhar, District Jalandhar vide which the complaint filed by the petitioners under Sections 419, 420, 421, 463, 464, 465, 467, 468, 471, 471, 474 and 120-B IPC, bearing complaint No.COMI/32146/2013, dated 29.04.2013 titled as “Daljit Singh and another versus Corporation Bank and another” has been dismissed illegally and arbitrarily.

2. It is submitted by learned counsel for the petitioner that the loan was granted for the sum of Rs 7,00,000/-, wherein while repaying the same

no cheques bearing Nos.209101 to 209120 were issued by the petitioners. Respondent No. 1, being Corporation Bank, has lodged a complaint under Section 138 of the Negotiable Instruments Act, contending that Petitioner No. 2 issued cheque No. 209108, dated 27.04.2010, for a sum of Rs. 5,00,000/- as part repayment of the said loan. This cheque was subsequently dishonored on 27.04.2010 with the remark "Funds Insufficient." Petitioner No. 2, however, denied having issued this cheque. He further averred that petitioner No. 1, under the Right to Information Act, approached the bank's Zonal Office in Ludhiana and in reply thereto, the Deputy General Manager, vide letter dated 16.01.2013, informed that no cheque book containing the relevant serial numbers had been issued as a result of which, petitioner No. 2 lodged a formal complaint with the Commissioner of Police, Jalandhar, on 28.01.2013, requesting the initiation of criminal proceedings for cheating, fraud, and forgery against the respondents and other complicit officials.

3. Learned counsel for the petitioners has argued that no such cheque was ever issued by the respondent No.1 i.e. Bank in the favour of petitioner No.2, against which the complaint under Section 138 of Negotiable Instruments Act was filed, rather the signatures of the complainant were forged and hence, no question arises wherein petitioner No.2 issued alleged account payee cheque vide No.209108 dated 27.04.2010 for an amount of Rs.5,00,000/- in the favour of the respondent-Bank in discharge of alleged legal liabilities.

4. On the other hand, learned counsel for the respondent argued that no illegality or irregularity exists in the order of the learned trial Court. He argued that had no cheque been issued by the complainant to the accused

in discharge of his legally enforceable liability, then there would have arisen no occasion for the complainant to enter into a compromise for the same.

5. Heard learned counsel for the parties.

6. At this stage, it would be appropriate to reproduce the relevant contents of the order of learned Additional Sessions Judge, Jalandhar dated 18.08.2023 in para 17, which reads as under:-

*“Thus, it is quite clear that one of the complainant Daljit Singh in his application Ex. CW8/3 admitted with regard to issuance of cheque book bearing cheques no. 209101 to 209120. Despite such admission, it is the case of the complainants that no such cheque book was actually issued by the bank to them. However, in the considered view of this Court, if no such cheque book was actually issued by Corporation Bank to complainant, then complainant would not have mentioned the date of issuance of such cheque book as well as serial numbers of said cheques in his application Ex. CW8/3. Moreover, if the cheque book having cheques No. 209101 to 209120 was not actually issued to the complainant then complainant must have contested complaint under Section 138 of Negotiable Instruments Act. In these circumstances, once there is admission on part of one of the complainant with regard to issuance of cheque book by Corporation Bank, then whole basis of complaint that no cheque book was issued, falls on the ground. Though complainant has produced on record reply submitted by the Bank to applications moved by complainant under RTI Act but in such reply, it was mentioned that no such cheque book was issued on 3.3.2005. If the concerned officer of the Bank has given wrong reply to the application under RTI Act, then he might be liable for violation of relevant provision of Right to Information*

*Act, if any. However, no mens-rea as required under Sections 419, 420, 421, 463, 464, 465, 467, 468, 470, 471, 474 and 120-B of IPC can be attributed to the officers of the Bank for the same.”*

7. A perusal of the above would depict that, where there is an admission on the part of the petitioner regarding issuance of the said cheque book by the Corporation Bank, no ground is made out for the maintainability of the said complaint. Also in the RTI application dated 16.01.2013, it is wrongly mentioned by the Deputy General Manager-cum-Appellate Authority that as per the Bank records, “*no cheque book with Sr. No.209101 to 209120 has been issued in the account of SB No.5683*” against the request by the petitioners seeking information from the Zonal Office at Ludhiana “*whether any such book was issued in the name of the complainants or not by accused No.1*”, and for that the Officer concerned of the Bank who has given the wrong information is liable for violation under RTI Act, if any and there is no *mens rea* as required under Sections 419, 420, 421, 463, 464, 465, 467, 468, 470, 471, 474 and 120-B of IPC, which can be attributed to the Officers of the Bank for the same.

8. The scope of revisional jurisdiction of the Courts has been discussed by the Hon’ble Supreme Court in “***State of Kerala versus Puttumana Illath Jathavedan Namboodiri***”, (1999) 2 SCC 425, wherein it is held as under:-

*"the revisional jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate Court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be*

*appropriate for the High Court to re-appreciate the evidence and come to its own conclusion on the same unless any glaring feature is brought to the notice of the High Court which would, otherwise tantamount to gross miscarriage of justice."*

9. In the above case, Hon’ble Supreme Court has laid down that the High Court ordinarily would not re-appreciate the evidence and come to its own conclusion wherein it would otherwise tantamount to a glaring and gross miscarriage of justice.

10. In view of the above discussion, this Court does not find any illegality and infirmity in the orders dated 03.08.2018 and 18.08.2023 passed by Judicial Magistrate Ist Class, Jalandhar and Additional Sessions Judge, Jalandhar, respectively and therefore, no ground is made out for interference.

11. Hence, the same is dismissed being devoid of any merit.

(SANDEEP MOUDGIL)  
JUDGE

12.02.2024  
Poonam Negi

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