



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Criminal Revision No. 59 of 2024 (O&M)
Date of Decision: 14.05.2024

Jasbir Singh
..... Petitioner

Versus

State of Punjab and another
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: None for the petitioner-convict.

HARKESH MANUJA, J.

Challenge in the present revision petition is to the judgment dated 18.12.2023 passed by the learned Additional Sessions Judge, Amritsar, whereby an appeal filed at the instance of petitioner against the judgment of conviction and order of sentence dated 20.02.2019 passed by learned Judicial Magistrate Ist Class, Amritsar, stood dismissed, thereby upholding the judgment of conviction and order of sentence passed therein.

[2] Brief facts of the case are that on account of dishonour of cheque bearing No. 788368 dated 28.04.2016 of Punjab National Bank, Putlighar Branch, Amritsar, amounting to Rs.3,00,000/- a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, “NI Act) came to be filed at the instance of respondent no.2-complainant (Vikram Parshad) against the petitioner.

[3] On the basis of the evidence recorded, learned trial Court vide judgment dated 20.02.2019, convicted the petitioner under Section 138 of the NI Act and sentenced him to undergo RI for a period of 01 year, besides payment of compensation of Rs.3,00,000/- under Section 357(3) Cr.P.C.,

failing which to further undergo rigorous imprisonment for 02 months only.

[4] Aggrieved with the above order dated 20.02.2019, the petitioner filed first appeal before the court of Additional Sessions Judge, Amritsar, which was dismissed, while upholding the conviction and sentence of the petitioner. Hence, the present revision petition.

[5] After going through the paper-book / relevant record, this Court finds no merit in the present petition.

[6] In the present case, the Trial Court adopted summons case procedure. Respondent No.2-complainant by way of affidavit Ex.CW1/A himself appeared into witness box as CW1 and proved documents Ex.CW1 to Ex.CW4 on record i.e. Legal Notice Ex. CW1, Original cheque Ex.CW2, bank memo Ex.CW3 and postal receipts Ex.CW4. The statement of accused under Section 313 Cr.P.C. was recorded wherein he denied all incriminating material put to him and pleaded false implication. However, he did not lead any evidence in his defence.

[7] A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Moreover, on appearance, learned counsel for the petitioner has not assailed the judgment of conviction on merits, rather he has restricted his prayer only to settle the dispute with respondent No.2-complainant and in order to show his *bona fide*, on 05.02.2024, the petitioner was ready to bring a demand draft for a sum of Rs.1,00,000/- and the case was adjourned to 09.02.2024. On 09.02.2024, learned counsel for the petitioner prayed for two weeks' time to make arrangement for Rs.1,00,000/- as offered by the petitioner and the case was adjourned to 06.03.2024. On 06.03.2024, again on the request of learned

counsel for the petitioner, case was adjourned for 18.03.2024 and on 18.03.2024, no one appeared on behalf of the petitioner, while the case was adjourned for today. The position remains the same today as well, no one appears on behalf of the petitioner despite case having been called twice. It appears that the petitioner is not interested in pursuing the present petition.

[8] Perusal of the material on record shows that the defence of the petitioner-accused is nothing more than a bald assertion as he has failed to produce any iota of evidence to support the same. Further, the signatures on the cheque have not been denied by the petitioner and therefore, the presumption under Section 139 NI Act has gone unrebutted for want of proof of probable defence. The findings recorded by the learned trial Court that the petitioner remained unsuccessful to rebut the presumption that the cheque in question was issued by him in discharge of a valid debt and that the ingredients of Section 138 NI Act were made out, stand affirmed. It is also pertinent to mention here that during pendency of appeal before the learned Additional Sessions Judge, Amritsar, the petitioner on 18.12.2023 skipped away from the Court and his counsel withdrew power of attorney on behalf of petitioner and his conduct in the Court proceedings was not even above board.

[9] Thus, in view of the discussion made hereinabove, the present revision is hereby **dismissed**.

[10] Pending miscellaneous application(s), if any, shall also stand disposed off.

May 14, 2024

(HARKESH MANUJA)
JUDGE

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<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>