

2024:PHHC:015585

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

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CRM-13678-2023 in/and

CRM-A-333-2023

DATE OF DECISION: 05.02.2024

NAVEEN SHARMA

... APPLICANT/APPELLANT

Versus

ISHPAL

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Siao, Advocate for
Mr. Sunil Rana, Advocate the applicant(s).

SANDEEP MOUDGIL, J.(Oral)

CRM-13678-2023

This application has been filed for condonation of delay of 23 day in filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 23 days in filing the appeal is condoned.

CRM-A-333-2023

This application is filed seeking leave to Appeal against the judgment of acquittal dated 02.11.2022 passed by Sub Divisional Judicial Magistrate Indri, District Karnal.

In view of the technical defect as has been held by the trial Court whereby legal notice Ex. C-4 pertaining to some other cheque was relied upon in the instant complaint and no legal notice deemed to have been served in the complaint case in hand related to cheque in question that i.e. cheque No. 000043 dated 09.05.2016 drawn at HDFC Bank,

177, Green Market, Opposite Anaj Mandi, Babain, District Kurukshetra.

In view of the above, there is no infirmity or perversity in the order passed by the Trial Court where accused is held not guilty and is acquitted.

Learned counsel for the appellant has vehemently contended that application was moved for permission to file correct legal notice which was declined by the Trial Court but admittedly that order was not subsequently challenged and attained finality and therefore, the appellant seems to have waive off his right to file correct legal notice.

In the absence of such legal notice, he has failed to prove his case beyond reasonable doubt and so his legal enforceable debt.

Hence, the present appeal stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

February 05, 2024
anuradha

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