IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2489-2023 (O&M)
Date of decision: 29.02.2024

Paramjeet Singh ….Petitioner

Versus

Punjab National Bank ….Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Anupam Singla, Advocate
for the petitioner.

Mr. Gaurav Goel, Advocate and
Mr. Tejinder Singh, Advocate
for the respondent.

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PANKAJ JAIN, J.(ORAL)

1 Challenge is to the order passed by Sessions Judge, Bathinda dated 10.08.2023 affirming the judgment of conviction passed by Judicial Magistrate 1st Class, Bathinda dated 18.01.2023 against the petitioner for offence punishable under Section 138 if the Negotiable Instruments Act, 1881 sentencing him as under :-

Paramjeet Singh	138 of NI Act	RI for a period of 6 months and to pay compensation to the complainant to the tune of cheque amount i.e. Rs.1,25,000/- along with interest @ 9% per annum from the date of issuance of cheque till today.

2 Petitioner was summoned to face trial on the complaint made by the respondent after cheque bearing No.012348 dated 13.02.2017 for an amount of Rs.1,25,000/- issued by the petitioner was dishonored for "funds insufficient". As per the complaint petitioner was granted cash credit limit of Rs.5,00,000/- lakhs on 07.08.2015 under Pradhan Mantri Mudra Yojana Scheme for running business. In order to repay the same and in discharge of part of his liability towards the complainant accused issued the aforesaid cheque in his favour which was dishonored on 14.02.2017. As per the case of the prosecution, as per the scheme of the Central Govt. the lending agency i.e. Bank cannot take any security but has to take security cheques from the accused. Trial Court after analyzing the evidence threadbare came to the conclusion that the only defence raised by the petitioner is with respect to proper authorization of Deputy Manager, Punjab National Bank. Perusal of the order dated 13.11.2019 shows that Parul Gupta has been substituted as authorized person of the complainant Bank on the basis of General Power of Attorney which has been proved on record as Ex. C-6 and thus the same is not sustainable. The sanctioning of cash credit limit having been proved on record by way of documentary evidence, the liability of the petitioner stands proved. So far as ingredients of Section 138 of the NI Act are concerned, the same were proved by way of documentary evidence and the petitioner was held guilty for offence punishable under Section 138 of the NI Act. The said plea has been accepted by the Appellate Court as well.

3 The scope of revisional jurisdiction at the hands of this Court in the findings recorded by both the Courts below under Section 138 of the NI

Act is well settled and has been reiterated by Apex Court in the case of ***Bir Singh Vs. Mukesh Kumar 2019(4) SCC 197*** observing as under :-

> *"19. It is well settled that in exercise of revisional jurisdiction under Section 482 of the Criminal Procedure Code, the High Court does not, in the absence of perversity, upset concurrent factual findings. It is not for the Revisional Court to re-analyse and re-interpret the evidence on record.*
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> *20. As held by this Court in Southern Sales and Services and Others vs. Sauermilch Design and Handels GMBH 2008(4) RCR (Civil) 729 : (2008)14 SCC 457, it is a well established principle of law that the Revisional Court will not interfere even if a wrong order is passed by a court having jurisdiction, in the absence of a jurisdictional error. The answer to the first question is therefore, in the negative."*

4 On being asked specifically as to what was the glaring error of law that would warrant exercise of revisional jurisdiction, learned counsel for the petitioner has failed to point out any infirmity.

5 Resultantly, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

29.02.2024
Pooja Sharma-I

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No