

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-804-MA-2014

Decided on 12.05.2025

Dugra Rani through LRs

... Applicant

VS.

Satish Goyal

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh Arora, Advocate for the applicant

Mr. Sukhandeep Singh, Advocate for the respondent

Sandeep Moudgil, J.

(1). This application has been filed under Section 378(4) CrPC for grant of leave to file appeal against the judgment dated 27.01.2014 passed by JMIC, Faridabad vide which respondent No.1 has been acquitted from the charges framed against him in a complaint under Section 138 of Negotiable Instruments Act, 1881 (in short, the NI Act).

(2). Learned counsel for the applicant contends that the present application for grant of leave to file appeal against the judgment dated 27.01.2014 passed by JMIC, Faridabad deserves to be accepted on the ground that the trial court has failed to consider the fact that the respondent who appeared as DW1 in his cross-examination has admitted that on 31.05.2011, he had bank balance of Rs.27,774/- whereas the cheque in question is of Rs.10,00,000/- and as such, this material admission is best evidence to suggest that the respondent was not having sufficient balance in his bank account to clear the cheque in question and as such, he instructed the bank to stop payment just to hide the truth of non-availability of sufficient funds in his account.

(3). Having considered this factual aspect of the matter, this Court of the considered view that prima facie there is material in the contention raised by the applicant and as such, the application is liable to be accepted.

(4). Accordingly, this application under Section 378(4) CrPC for grant of leave to file appeal against the judgment dated 27.01.2014 is accepted and the Registry is directed to number the appeal and list the same as per roster.

(5). Ordered accordingly.

12.05.2025

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No