





to pay back the same in the month of January or February, 2016. Accordingly, in February 2016 towards discharge of the said loan liability, the revisionist issued a cheque of Rs. 5,00,000/- dated 16.02.2016 in favour of the respondent. But the said cheque on being presented was dishonoured by HDFC Bank on the ground of insufficiency of funds to the credit of the revisionist in his bank account. Since despite service of the statutory notice, the cheque amount was not paid, the respondent filed the complaint under Section 138 Negotiable Instruments Act.

3.1 After full dress trial, the learned Magistrate convicted the revisionist under Section 138 Negotiable Instruments Act and sentenced him to undergo imprisonment till rising of court and to pay compensation of Rs. 7,40,000/- inclusive of interest at the rate of 8% per annum from the date of institution of the complaint and in default of payment of compensation within one month, the revisionist was to undergo simple imprisonment for four months.

3.2 The revisionist filed an appeal, which was dismissed by the learned Court of Sessions, thereby upholding the conviction as well as the sentence.

3.3 Hence, the present revision petition.

4. Learned counsel for revisionist argues that since in his cross-examination the respondent stated having reflected the loan transaction in his income tax returns, failure of the respondent to file the income tax returns would be fatal to his case, so the conviction was bad in law. Learned

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counsel for revisionist places reliance on the document Ex. CW1/10 and contends that the cheques given to the respondent pertaining to some other property dispute between the parties were misused and labelled as loan repayment cheque, so the conviction was bad in law. No other argument has been advanced to assail the conviction and/or sentence.

5. On the other hand, learned counsel for respondent has taken me through the impugned judgments of learned trial court as well as learned appellate court, contending that both judgments have dealt with each argument of the revisionist in detail, so there is no scope of interference by this Court.

6. To begin with, there is no dispute as regards the legal proposition that in the present proceedings, unlike an appellate court, this Court in the exercise of revisional jurisdiction cannot re-appreciate evidence. The scope of interference by this Court in revisional jurisdiction is extremely narrow, aimed at ascertaining if there is any perversity in the judgments of the trial court and/or the appellate court.

7. Before the trial court, the defence taken by the revisionist was not that the respondent misused the cheques given to him in some other transaction. Before the trial court, the defence taken by the revisionist was that he had kept two blank signed cheques in his office drawer, which might have been stolen by someone to be misused. After detailed analysis of evidence brought on record, the learned trial court rejected that defence. Before the

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11. The present revision petition is completely devoid of merits and frivolous, so it is dismissed with cost of Rs. 10,000/- to be paid by the

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revisionist to the respondent towards cost of this litigation, estimated on extremely conservative side. Pending application stands disposed of.

12. The revisionist shall pay the complete fine amount to the respondent within three days, failing which the learned trial court shall initiate procedure to ensure that the revisionist faces the default sentence.

13. Copy of this order be sent to the learned trial court.

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