

Meera Vs Tarsem Lal

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 19, 2014

Hon'ble Judges: Rekha Mittal, J

Bench: Single Bench

Advocate: Jagjit Singh, Advocate for the Appellant

Final Decision: Dismissed

Judgement

Rekha Mittal, J.

The present appeal has been directed against the judgment dated 26.02.2011 passed by the Special Magistrate,

Kapurthala vide which the complaint filed by Mehnga Ram (since deceased) has been dismissed and the accused has been acquitted of the offence

charged against him.

2. Apart from the fact that the appeal is barred by limitation as it has been filed 1001 days after expiry of limitation, I do not find any reason to

intervene.

3. Mehnga Ram filed the complaint on the plea that the accused had obtained a loan of Rs. 2,70,000/- from him in the month of March 2005 and

to discharge his liability issued cheque No. 205860 dated 06.08.2005 for an amount of Rs. 2,70,000/- drawn on Punjab and Sind Bank Branch

Kapurthala. The cheque on its presentation to the bank got dishonoured due to insufficient funds vide memo dated 08.08.2005. On second

presentation, it was dishonoured on 03.11.2005 with remarks ""payment stopped by the drawer"". The accused failed to make payment despite

receipt of statutory legal notice dated 02.11.2005.

4. During the course of trial, the complainant filed his affidavit Ex. PA by way of examination-in-chief and he was partly cross-examined by counsel

representing the opposite party. During pendency of further cross-examination of the complainant, he passed away. On 15.01.2010, Meera

(petitioner) wife of Mehnga Ram was allowed to be brought on record as legal heir of deceased complainant and to pursue the proceedings.

Meera appeared in the witness box to prove the case. The learned trial Court on appreciation of evidence came to hold that financial position of

the complainant was not very good and he obtained loan from his relatives while on the contrary, the financial position of the accused was sound

and, therefore, the question of taking loan by the accused from one of his employees does not arise. As the petitioner failed to discharge the onus

to establish on record that the deceased advanced a loan of Rs. 2,70,000/- or was in a financial position to advance such a loan, the trial Court

rightly held that the complainant has failed to prove culpability of the accused beyond shadow of reasonable doubt. I do not find any error much

less illegality in the findings as would call for interference in the judgment of acquittal.

5. Dismissed.