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CGHC010060382026 2026:CGHC:48127

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No.270 of 2026

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
05.11.2026	23.11.2026	--	23.11.2026

1 - Gurvinder Singh S/o Balvant Singh Bhatia Aged About 51 Years Caste- Sikh, R/o Budhwari Para, Ward No.15, Dongargarh, Distt- Rajnandgaon (C.G.)

Applicant/complainant (s)

versus

1 - Balvinder Singh (Vicky) S/o Shri Harjinder Singh Aged About 40 Years R/o Budhwari Para Ward No.15, Dongargarh Distt- Rajnandgaon (C.G.)

Respondent(s)

For Applicant (s)	:	Mr. Parag Kotecha, Advocate
For Respondent (s)	:	Mr. Ashwin Panickar, Advocate

Hon'ble Mr. Justice Naresh Kumar Chandravanshi

C A V Judgment

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1. The present revision is filed under Section 438 read with Section 442 of BNSS, 2023 challenging legality and propriety of the judgment dated 15.01.2026 passed by the learned Upper Session Judge, Dongargarh, District Rajnandgaon (C.G.) in CRA No.23/2025 affirming the judgment of acquittal dated 27.09.2023 passed by the learned Judicial Magistrate First Class, Dongargarh, District Rajnandgaon (henceforth referred as 'Trial Court') in Criminal Complaint Case No.219/2017, whereby the respondent/accused has been acquitted of the charge under Section 138 of the Negotiable Instrument Act, 1881 (in short 'NI Act').

2. Facts of the case, in brief, are that the applicant/complainant filed a complaint against the respondent/accused before the Trial Court for the offence under Section 138 of the NI Act stating interalia that on account of family relation and demand made by the respondent/accused, he had given loan of Rs.60,000/- to him 4 months prior to filing complaint case. For repayment of loan amount, respondent had issued a cheque No.911589 dated 29.10.2015 (Ex-P/1) in favour of the applicant/complainant and when the applicant/complainant presented the cheque to his bank at SBI, Branch Dongargarh on 29.10.2015, the same was dishonored with an endorsement 'fund insufficient'. Thereafter the applicant/complainant served a legal notice upon the respondent/accused and the respondent/accused sent a reply to the notice but he did not pay any amount to him. Hence, the

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complaint was filed against the accused/respondent for taking action against him under Section 138 of the NI Act. When respondent/accused appeared on notice, he abjured the guilt and claimed to be tried.

3. The applicant/complainant examined himself and exhibited 6 documents to prove his case. The respondent/accused in his statement recorded under Section 313 of CrPC denied any debt against him and also denied issuance of the subject cheque in favour of applicant/complainant. He has taken clear defence in his statement under Section 313 of CrPC as well as in his deposition that some cheques signed by him along with blank cheque book have misplaced, which has been misused by the applicant/complainant. He examined himself as DW-1 and his father Harjinder as DW-2. He also exhibited 7 documents in his defence.

4. The learned Trial Court after appreciating the evidence acquitted the respondent/accused on the ground that there are material contradictions in the version of complainant/applicant with regard to the date of issuance of subject cheque and the date of depositing the same to the bank. Further, the respondent had informed the bank vide Ex-D/1 dated 20.06.2014 with regard to loss of subject cheque (s) & cheque book and requested the bank to stop payment of the same. The respondent/accused had also lodged complaint before the Police and the Court against the applicant/complainant in respect of misuse of his misplaced/lost

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cheque. The appeal preferred by the applicant/complainant was dismissed by the learned Appellate Court vide impugned judgment affirming the finding of the learned Trial Court, which has been assailed by the applicant/complainant in the instant revision.

5. Learned counsel for the applicant/complainant would submit that the subject cheque was issued by the respondent/accused for discharge of debt of Rs.60,000/- in favour of the applicant/complainant, he has not denied his signature on the subject cheque. The action taken by the respondent/accused by making complaint to the Police and Court with regard to loss of cheque is subsequent to the legal notice served to him, which shows that those documents were falsely created by the respondent/accused to falsify the claim of the applicant/complainant and the same has wrongly been relied upon by the learned Trial Court as well as the learned Appellate Court, ignoring the presumption arisen in favour of the applicant/complainant under Section 118/139 of NI Act, which is completely illegal. Hence, he prays that revision be allowed and relief sought for by the applicant/complainant may be granted to him.

6. Per contra, learned counsel appearing for the respondent/accused would submit that he had not only made complaint to the Police and also filed complaint case against the applicant/complainant with regard to misuse of his misplaced/lost

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cheques, rather he had informed the same to his bank vide Ex-D/1 dated 20.06.2014 much prior to the date of issuance of subject cheque that his subject cheque and other cheques had lost, therefore, payment of the same be stopped. Thus, the respondent/accused has successfully rebutted the presumption attached to the cheque, which has been accepted by the learned Trial Court and the learned Appellate Court. He further submits that there is concurrent finding recorded by both the Courts in favour of the respondent/accused and no perversity or illegality has been drawn by the applicant/complainant before this Court to interfere with the impugned judgment, therefore, while exercising revisional jurisdiction, this Court may not interfere with the concurrent finding of both the Courts. Hence, he prays that the present revision be dismissed.

7. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

8. In the case of **Sri Dattatraya vs Sharanappa**, reported in **2024 INSC 586**, the Hon'ble Supreme Court while considering the similar nature of case has observed in para 31 as under:-

> "31. The instant case pertains to challenge against concurrent findings of fact favouring the acquittal of the respondent, it would be cogent to delve into an analysis of the principles underlining the exercise of power to adjudicate a challenge against acquittal bolstered by concurrent findings. The following broad principles can be culled out after a comprehensive analysis of judicial pronouncements:
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> i) Criminal jurisprudence emphasises on the fundamental essence of liberty and

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presumption of innocence unless proven guilty. This presumption gets emboldened by virtue of concurrent findings of acquittal. Therefore, this court must be extra-cautious while dealing with a challenge against acquittal as the said presumption gets reinforced by virtue of a well-reasoned favourable outcome. Consequently, the onus on the prosecution side becomes more burdensome pursuant to the said double presumption.

ii) In case of concurrent findings of acquittal, this Court would ordinarily not interfere with such view considering the principle of liberty enshrined in Article 21 of the Constitution of India 1950, unless perversity is blatantly forthcoming and there are compelling reasons.

iii) Where two views are possible, then this Court would not ordinarily interfere and reverse the concurrent findings of acquittal. However, where the situation is such that the only conclusion which could be arrived at from a comprehensive appraisal of evidence, shows that there has been a grave miscarriage of justice, then, notwithstanding such concurrent view, this Court would not restrict itself to adopt an oppugnant view. [Vide State of Uttar Pradesh v. Dan Singh10]

iv) To adjudge whether the concurrent findings of acquittal are ‘perverse’ it is to be seen whether there has been failure of justice. This Court in Babu v. State of Kerala11 clarified the ambit of the term ‘perversity’ as “if the findings have been arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant/admissible material. The finding may also be said to be perverse if it is ‘against the weight of evidence’, or if the finding so outrageously defies logic as to suffer from the vice of irrationality.

v) In situations of concurrent findings favoring accused, interference is required where the trial court adopted an incorrect approach in framing of an issue of fact and the appellate court whilst affirming the view

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> of the trial court, lacked in appreciating the evidence produced by the accused in rebutting a legal presumption.
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> vi) Furthermore, such interference is necessitated to safeguard interests of justice when the acquittal is based on some irrelevant grounds or fallacies in re-appreciation of any fundamental evidentiary material or a manifest error of law or in cases of non- adherence to the principles of natural justice or the decision is manifestly unjust or where an acquittal which is fundamentally based on an exaggerated adherence to the principle of granting benefit of doubt to the accused, is liable to be set aside. Say in cases where the court severed the connection between accused and criminality committed by him upon a cursory examination of evidences."

9. It was laid down by the Hon'ble Supreme Court in Malkeet Singh Gill v. State of Chhattisgarh, (2022) 8 SCC 204: (2022) of 3 SCC (Cri) 348: 2022 SCC OnLine SC 786 that a revisional court is not an appellate court and it can only rectify the patent defect or errors of jurisdiction or the law. It was observed in para 10 as under:-

> "10. Before adverting to the merits of the contentions, at the outset, it is apt to mention that there are concurrent findings of conviction arrived at by two courts after a detailed appreciation of the material and evidence brought on record. The High Court in criminal revision against conviction is not supposed to exercise the jurisdiction like the appellate court, and the scope of interference in revision is extremely narrow. Section 397 of the Criminal Procedure Code (in short "CrPC") vests jurisdiction to satisfy itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior

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> court. The object of the provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error that is to be determined on the merits of individual cases. It is also well settled that while considering the same, the Revisional Court does not dwell at length upon the facts and evidence of the case to reverse those findings."

10. This position was reiterated in State of Gujarat v. Dilipsingh Kishorsinh Rao, (2023) 17 SCC 688: 2023 SCC OnLine SC 1294, wherein it was observed in paras 14 & 15 therein as under:-

> "14. The power and jurisdiction of the Higher Court under Section 397 CrPC, which vests the court with the power to call for and examine records of an inferior court, is for the purposes of satisfying itself as to the legality and regularities of any proceeding or order made in a case. The of object of this provision is to set right a patent defect or an error of jurisdiction or law or the perversity which has crept in such proceedings.
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> 15. It would be apposite to refer to the judgment of this Court in Amit Kapoor v. Ramesh Chander [Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460: (2012) 4 SCC (Civ) 687: (2013) 1 SCC (Cri) 986], where scope of Section 397 has been considered and succinctly explained as under: (SCC p. 475, paras 12-13)
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> "12. Section 397 of the Code vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law.
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> There has to be a well-founded error, and it may not be appropriate for the court to scrutinise the orders, which, upon the face of it, bear a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge

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> are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored, or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative.
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> 13. Another well-accepted norm is that the revisional jurisdiction of the higher court is a very limited one and cannot be exercised in a routine manner. One of the inbuilt restrictions is that it should not be against an interim or interlocutory order. The Court has to keep in mind that the exercise of revisional jurisdiction itself should not lead to injustice ex facie. Where the Court is dealing with the question as to whether the charge has been framed properly of and in accordance with law in a given case, it may be reluctant to interfere in the exercise of its revisional jurisdiction unless the case substantially falls within the categories aforestated. Even the framing of the charge is a rt much-advanced stage in the proceedings under CrPC."

11. It was held in Kishan Rao v. Shankargouda, (2018) 8 SCC 165: (2018) 3 SCC (Cri) 544: (2018) 4 SCC (Civ) 37: 2018 SCC OnLine SC 651 that it is impermissible for the High Court to reappreciate the evidence and come to its conclusions in the absence of any perversity. It was observed in paras 12 & 13 therein as under:-

> "12. This Court has time and again examined the scope of Sections 397/401 CrPC and the grounds for exercising the revisional jurisdiction by the High Court. In State of Kerala v. Puttumana Illath Jathavedan Namboodiri, (1999) 2 SCC 452: 1999 SCC (Cri) 275], while considering the scope of the revisional jurisdiction of the High Court, this Court has laid down the following: (SCC pp. 454-55, para 5)
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> 5. ... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings to satisfy itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting 2025:HHC:44493 a

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miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court, nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise amount to a gross miscarriage of justice. On scrutinising the of impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation in concluding that the High Court exceeded its rt jurisdiction in interfering with the conviction of the respondent by reappreciating the oral evidence. ..."

13. Another judgment which has also been referred to and relied on by the High Court is the judgment of this Court in Sanjaysinh Ramrao Chavan v. Dattatray Gulabrao Phalke, (2015) 3 SCC 123: (2015) 2 SCC (Cri) 19]. This Court held that the High Court, in the exercise of revisional jurisdiction, shall not interfere with the order of the Magistrate unless it is perverse or wholly unreasonable or there is non-consideration of any relevant material, the order cannot be set aside merely on the ground that another view is possible. The following has been laid down in para 14: (SCC p.135)

> "14. ... Unless the order passed by the Magistrate is perverse or the view taken by the court is wholly unreasonable or there is non-consideration of any relevant material or there is palpable misreading of records, the Revisional Court is not justified in setting aside the order, merely because another view is possible. The Revisional Court is not meant to act as an appellate court. The whole purpose of the revisional jurisdiction is to preserve the power in the court to do justice in accordance with the principles of criminal 2025:HHC:44493 jurisprudence. The revisional power of the court under Sections 397 to 401 CrPC is not to be equated with that of an appeal. Unless the finding of the court, whose decision is sought to be revised, is shown to be perverse or untenable in law or is grossly erroneous or glaringly unreasonable or where the decision

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> is based on no material or where the material facts are wholly ignored or where the judicial discretion is exercised arbitrarily or capriciously, the courts may not interfere with the decision in exercise of of their revisional jurisdiction."

12. The aforesaid position was reiterated by the Hon'ble Supreme Court in the case of **State of Gujarat vs Dileepsinh Kishorsinh Rao**, reported in **(2023) 17 SCC 688,** wherein in para 14, it has been held as under:-

> "14. The power and jurisdiction of Higher Court under Section 397 Cr.P.C. which vests the court with the power to call for and examine records of an inferior court is for the purposes of satisfying itself as to the legality and regularities of any proceeding or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law or the perversity which has crept in such proceedings."

13. A similar view was taken by the Hon'ble Supreme Court in the matter of **Sanjabij Tari vs Kishore S. Borcar,** reported in **2025 SCC Online SC 2069**, wherein it was observed in paras 27 & 28 as under:-

> "27. It is well settled that in exercise of revisional jurisdiction, the High Court does not, in the absence of perversity, upset concurrent factual findings [See: Bir Singh (supra)]. This Court is of the view that it is not for the Revisional Court to re-analyse and re-interpret the evidence on record. As held by this Court in Southern Sales & Services and Others vs. Sauermilch Design and Handels GMBH, (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.
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> 28. Consequently, this Court is of the view that in the absence of perversity, it was not open to the High Court in the present case, in revisional jurisdiction, to

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upset the concurrent findings of the Trial Court and the Sessions Court."

14. Recently, the aforesaid view has further been reiterated by the Hon'ble Apex Court in the case of **Kuntegowda vs Thurubaiah**, reported in **2026 INSC 790**, wherein in paras 7.1 & 7.2, it has been held as under:-

> "7.1 This Court, in the State of Maharashtra vs. Jagmohan Singh Kuldip Singh Anand, (2004) 7 SCC 659 observed that the High Court, in exercise of its revisional jurisdiction, cannot embark upon an in-depth roving re-examination of the oral evidence and medical evidence and come to a conclusion contrary to the consistent one reached by two courts below. In the facts of the present case, in the impugned judgment, the High Court gravely erred in upsetting the concurrent findings of conviction of the trial court and the Appellate Court by substituting its own conclusions and reasoning on the merits of the case and thereby erred in setting aside the well-reasoned and correct judgement and orders of the trial and appellate courts."
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> 7.2 Upon perusal of the impugned judgment and order dated 06.10.2023, it is apparent that the High Court went into great detail into each of the testimonies, documents and merits of the case which could have been avoided especially when the subject matter had come under its revisional jurisdiction. Instead, acting as an appellate Court, the High Court deemed it fit to go into the merits of the case, something which is generally impermissible unless a glaring contradiction is apparent on the face of record. In State of Kerala vs. Puttumana Illath Jathavedan Namboodiri, (1999) 2 SCC 452, while considering the scope of the revisional jurisdiction of the High Court this Court has laid down the following:
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> > "5. … In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But

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> the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice. On scrutinizing the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation to come to the conclusion that the High Court exceeded its jurisdiction in interfering with the conviction of the Respondent by reappreciating the oral evidence. …"

15. The instant revision has to be considered and decided as per the parameters laid down by the Hon'ble Supreme Court.

16. The ingredients of the offence punishable under Section 138 of the NI Act were explained by the Hon'ble Supreme Court in **Kaveri Plastics vs Mahdoom Bawa Bahrudeen Noorul**, reported in **2025 SCC Online SC 2019** and it has been held in para 5.1.1 as under:-

> "5.1.1 In K.R. Indira vs. Dr. G. Adinarayana, this Court enlisted the components, aspects and the acts, the concatenation of which would make the offence under Section 138 of the Act complete, to be these (i) drawing of the cheque by a person on an account maintained by him with a banker, for payment to another person from out of that account for discharge in whole/in part of any debt or liability, (ii) presentation of the cheque by the payee or the holder in due course to the bank, (iii) returning the cheque unpaid by the drawee bank for want of sufficient funds to the credit of the drawer or any arrangement with the banker to pay the sum covered by the cheque, (iv) giving notice in writing to the drawer of the cheque within 15 days of the receipt of information by the payee from the bank

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> regarding the return of the cheque as unpaid demanding payment of the cheque amount, and (v) failure of the drawer to make payment to the payee or the holder in due course of the cheque, of the amount covered by the cheque within 15 days of the receipt of the notice."

17. The Hon'ble Apex Court in the case of **Basalingappa vs Mudibasappa,** reported in **(2019) 5 SCC 418,** has observed in para 23 as under:-

> "23. We having noticed the ratio laid down by this Court in above cases on Sections 118(a) and 139, we now summarise the principles enumerated by this Court in following manner:-
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> (i) Once the execution of cheque is admitted Section 139 of the Act mandates a presumption that the cheque was for the discharge of any debt or other liability.
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> (ii) The presumption under Section 139 is a rebuttable presumption and the onus is on the accused to raise the probable defence. The standard of proof for rebutting the presumption is that of preponderance of probabilities.
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> (iii) To rebut the presumption, it is open for the accused to rely on evidence led by him or accused can also rely on the materials submitted by the complainant in order to raise a probable defence. Inference of preponderance of probabilities can be drawn not only from the materials brought on record by the parties but also by reference to the circumstances upon which they rely.
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> (iv) That it is not necessary for the accused to come in the witness box in support of his defence, Section 139 imposed an evidentiary burden and not a persuasive burden.
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> (v) It is not necessary for the accused to come in the witness box to support his defence."

18. Reverting to the facts of the instant case, the applicant/complainant has stated in his deposition that 4 months

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prior to filing complaint dated 24.11.2015, respondent/accused had taken loan of Rs.60,000/- from him and to discharge the loan, he had given him subject cheque (Ex-P/1) dated 29.10.2015, which was deposited by him on the same day and the same was dishonored at the State Bank of India, Dongargarh Branch on the same day i.e. 29.10.2015, which was informed to him by the bank vide memo (Ex-P/2). The complainant has further stated in his deposition that despite service of legal notice, the respondent/accused did not repay the loan amount.

19. The respondent/accused replied the notice served to him vide Ex-P/6, in which he has clearly informed the applicant/complainant that the subject cheque along with other cheques and cheque book has misplaced and the same has been misused by the complainant. The respondent/accused has consistently taken the aforesaid defence in the cross-examination of the complainant as well as in his defence evidence, which has also been supported by his father DW-2 Harjinder Singh Bhatia.

20. There are material contradictions in the complaint, legal notice (Ex-P/3) and examination-in-chief filed by the applicant/ complainant in form of affidavit with regard to the date of issuance of subject cheque (Ex-P/1) and the date of depositing the same in the bank for encashment, as in cross-examination the complainant/ applicant has stated that the respondent/accused had given cheque (Ex-P/1) to him on the date on which he had given alleged loan of Rs.60,000/- to him.

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He has also stated in his cross-examination that he has not deposited the cheque (Ex-P/1) for encashment in the bank on the date of giving cheque, which is contrary to his statement made in the complaint, legal notice and examination-in-chief submitted in form of affidavit.

21. As has been mentioned in the preceding paragraphs that the respondent/accused has taken defence consistently right from reply of legal notice vide Ex-P/6 uptill his defence evidence including cross-examination of complainant and statement recorded under Section 313 of CrPC that the subject cheque (Ex-P/1) had misplaced, which has been misused by the complainant/applicant. After receiving the legal notice dated 24.10.2015 (Ex-P/3), the respondent made complaint (Ex-D/2) to the Superintendent of Police, Rajnandgaon that the subject cheque has been misused by the applicant/complainant. Finding it to be non cognizable offence, the Police gave information to the respondent/accused under Section 155 of CrPC about the same, thereafter he filed private complaint vide Ex-D/7 before the Additional Chief Judicial Magistrate, Dongargarh against the applicant/complainant for the offence under Sections 120, 406, 420, 467, 468, 471/34 of IPC alleging the same allegation against the respondent/accused that the complainant/applicant has misused his cheque, which was lost. Though the aforesaid actions taken by the respondent/accused were subsequent to the legal notice (Ex-P/3) dated 03.11.2015 served to him by the

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complainant/applicant, but he has also stated in his deposition that much prior to issuance of alleged cheque (Ex-P/1) dated 29.10.2015, he had informed the State Bank of India, Dongargarh Branch vide Ex-D/1 dated 20.06.2014, that his cheques including cheque (Ex-P/1) have lost, therefore, stop payment of the said cheque. Hence, the defence taken by the respondent/accused that the subject cheque (Ex-P/1) along with other cheques had lost and the same has been misused by the applicant/complainant cannot be brushed aside completely, particularly looking to the information given by him to the bank much prior to the issuance of the subject cheque and this fact also gets support from the complaint (s) made by the respondent/accused to the Police Authorities, other Authorities vide Ex-D/2 to Ex-D/6 and the complaint filed by him vide Ex-D/7 before the Additional Chief Judicial Magistrate, Dongargarh, District Rajndandgaon.

22. The applicant/complainant has not stated in his complaint, legal notice and his examination-in-chief as to when he had given the alleged loan amount to the respondent/accused. He has also not attested/proved the signature present on the cheque (Ex-P/1) that it was signature of the respondent. There are material contradictions in the statement of the applicant/complainant and in his cross-examination that as to when the alleged cheque (Ex-P/1) was given by the respondent to him and when it was deposited in the bank for encashment.

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23. Having considered the aforesaid vague statements and further considering the defence taken by the respondent/accused and the action taken by him vide Ex-D/1 to D/7, in the considered opinion of this Court, the learned Trial Court as well as the learned Appellate Court have not erred in recording the finding that the subject cheque (Ex-P/1) was not issued by the respondent/accused to the applicant/complainant to discharge any debt or legal liability and on the basis of preponderance of probabilities, the respondent/accused has succeeded to rebut the presumption arisen under Section 139 of the NI Act in favour of the applicant/complainant. As such, the learned Trial Court as well as the learned Appellate Court have rightly acquitted the respondent/accused of the charge under Section 138 of the NI Act and no perversity or illegality is found in orders passed by both the Court below calling any interference of this Court.

24. Accordingly, this revision being bereft of any substance deserves to be and is hereby dismissed.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Nirala