



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 3rd OF APRIL, 2025

CRIMINAL APPEAL No. 7 of 2025

LAKHAN@LAKHANLAL MANDLOI

Versus

BALRAM

.....
Appearance:

Shri Manish Yadav - Advocate for the appellant.

Shri Varun Mishra - Advocate for respondent.

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ORDER

Heard on I.A.No.5/2025 filed seeking leave to appeal under Section 419(4) of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Learned counsel for the appellant submits that this appeal has been preferred assailing the impugned judgment dated 28/11/2024 passed in Criminal Appeal No.157/2024 by III Additional Sessions Judge to I Additional Sessions Judge, Dewas (M.P.), whereby the judgment dated 31/07/2024 passed in SCNIA No.721/2018 by Judicial Magistrate First Class, Dewas has been reversed by acquitting the accused / respondent for the offence under Section 138 of Negotiable Instruments Act, 1881 (hereinafter for short referred as, 'NI Act').

3. Learned counsel for the appellant submits that learned trial Court has properly appreciated the evidence and held guilty the accused / respondent for commission of offence under Section 138 of NI Act and sentenced him to undergo rigorous imprisonment of 02 years with direction to pay compensation of Rs.14,89,738/-. Learned counsel inviting attention of this Court towards judgment passed by the trial Court submits that learned appellate Court has committed error



in acquitting the accused / respondent by reversing the judgment of the trial Court.

4. Heard learned counsel for the applicant and perused the record.

5. From perusal of the judgment by the appellate Court from para 30 to 37, it is apparent that learned appellate Court reached to the conclusion that it has not been proved that cheque was given for discharge of any debt or liability on the ground that after dishonour of cheque notice (*Maang Suchana Patra*) was served on the respondent, which is one of the essential ingredients for attracting offence under Section 138 of NI Act.

6. In light of the aforesaid, this Court finds that no perversity is apparent in the judgment passed by the appellate Court. When two views are possible, the view taken by the Court which is favourable to the accused cannot be interfered merely on the ground that some other view is also possible.

7. In the considered view of this Court, the finding arrived at by the appellate Court is impregnable and based on proper appreciation of evidence, therefore, no case for grant of leave to appeal is made. Accordingly, I.A.No.5/2025 stands dismissed and as a consequence, the instant appeal also dismissed.

(BINOD KUMAR DWIVEDI)
JUDGE

Tej