

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 1142 of 2016

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Roshan Prasad, S/o Gopal Prasad, R/o Qtr. No. DT-567, Sharma Road, P.O. and P.S. Dhurwa, Town Ranchi, District Ranchi, PIN-834004

... **Petitioner**

Versus

The State of Jharkhand

... **Opp. Party**

.....

For the Petitioner : Mr. Mayank Kumar, Adv.
Mr. Aman Kumar Rahul, Adv.
Ms. Sonali Bhatarcharjee, Adv.
For the State : Mrs. Priya Shreshtha, Spl. P.P.
For the O.P. No.2 : Mr. Chandrajit Mukherjee, Adv.
Mr. Avik Ghose, Adv.

.....

PRESENT

HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

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ORDER

C.A.V. on 10.06.2026

Pronounced on 24.06.2026

1. Instant criminal revision is directed against the judgment of conviction and sentence dated 02.03.2016 passed by learned Judicial Magistrate 1st Class, Ranchi, whereby and whereunder the petitioner has been held guilty for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo S.I. for five months along with compensation of Rs.2,00,000/- with default stipulation which has been upheld and confirmed by the learned Additional

Judicial Commissioner-V, Ranchi in Criminal Appeal No. 65 of 2016 and appeal preferred by the petitioner has been dismissed.

2. Factual matrix giving rise to this revision is that there were business transactions between the complainant and the petitioner. It is alleged that in the course of business transactions, the complainant has paid Rs.4,25,000/- to the petitioner as advance out of which Rs.2,25,000/- remained due and payable and with a view to discharge his above liability, the petitioner has issued three cheques to the complainant vide Cheque No.152750 for Rs.50,000/-, Cheque No.152751 for Rs.50,000/- and Cheque No. 152752 for Rs.1,50,000/- dated 02.03.2011, 25.04.2011 and 30.05.2011 respectively drawn on the bank of I.C.I.C.I. Bank. It is alleged that when the aforesaid cheques were produced for encashment by the complainant in his bank account, above cheques were dishonoured. Thereafter, the complainant issued a legal notice to the drawer of the cheque demanding the cheque amount which was not replied. Thereafter, Complaint Case No.2130 of 2011 was lodged.

3. Upon summons, accused appeared and contested the case.

4. In the course of trial, the complainant was examined himself as a witness and also adduced documentary evidence like three cheques (Exts.1 to 1/2), retrun memo of the above cheques (Exts.2 to 2/2), legal notice (Ext.3), registered postal receipt (Ext.4) and hand note dated 19.03.2021 (Ext.5).

5. On the other hand, the accused (present petitioner) denied any liability for payment of Rs.2,50,000/- and examined himself as defence witness under Section 315 of the Cr.P.C. and has proved Ext.A money receipt dated 10.01.2012 whereby Rs.2,00,000/- was paid to the complainant in cash against the cheque amount and the complainant was obliged to return the three cheques issued in his favour but he dishonestly kept the cheque and lodged this false case. The learned Trial Court after evaluating the evidence of complainant and the defence did not place reliance on Ext.A with observation that this document was neither produced at the time of examination on oath of the complainant during trial nor he has been put any question in his cross-examination regarding the aforesaid cash payment and

issuance of receipt. This document was for the first time produced by the accused, when he was examined as a defence witness and he has also failed to prove the scribe and other witnesses of the said money receipt, the execution of which has been denied by the complainant. Moreover, if he had already paid the cheque amount and were not returned to him, he has taken no action against the complainant. Therefore, the defence plea was discarded as unreliable.

6. The petitioner challenged the impugned judgment of Trial Court by preferring a Criminal Appeal No. 65 of 2016 before the learned Additional Judicial Commissioner-V, Ranchi which has also been dismissed and assailed in this revision.

7. Learned counsel for the petitioner has mainly relied upon the defence evidence as Ext.A which as per the petitioner has been illegally not believed and accepted by the learned Trial Court as well as the learned Appellate Court and non-consideration of the aforesaid unrebutted document has occasioned failure of justice and the impugned judgments suffer from perversity and serious illegality. Therefore,

impugned judgments are liable to be set aside and this revision may be allowed.

8. On the other hand, learned counsel for the opposite party No.2 assisted with learned A.P.P. appearing for the State has vehemently opposed the aforesaid contentions and submitted that both the learned Trial Court as well as the learned Appellate Court have rightly held that Ext.A was not admissible in view of the fact that the complainant was not cross-examined questioning the fact that he has already received the cheque amount and he was obliged to return the cheques but maliciously deposited in his account and got the same dishonoured. The document Ext.A was also not been proved in accordance with the procedure prescribed under Evidence Act. Therefore, sanctity/genuineness of Ext.A was rightly disbelieved and discarded by both the Courts below. The concurrent findings of the learned Trial Court and the learned Appellate Court cannot be interfered with merely on asking of the petitioner without any cogent reasons. Therefore, this revision has no merits and fit to be dismissed.

9. I have gone through the impugned judgments passed by the learned Trial Court as well as the learned Appellate

Court in the light of contentions raised on behalf of petitioner.

10. It appears that the petitioner has confined this revision only on the ground that he has already returned the amount of Rs.2,00,000/- out of dues of Rs.2,50,000/- in cash to the complainant and a receipt was also executed (Ext.A). The above plea of return of money and issuance of receipt has not been proved in accordance with law. Therefore, not relied upon by the concerned Courts. Admittedly, this plea was taken for the first time when defence evidence was being adduced by examining the accused himself taking as a surprise to the complainant. Therefore, I do not find any illegality or irregularity in the impugned judgments calling for any interference in this revision.

11. In view of the above discussion and reasons, this revision appears to be devoid of merits and accordingly, **dismissed.**

12. The petitioner is on bail, his bail bond is hereby cancelled and the petitioner is directed to surrender before the concerned Trial Court within a period of two months from the date of this judgment to receive the sentence

awarded to him, failing which, the learned Trial Court shall take all coercive measures for arrest and detention of petitioner to sustain the remaining sentence awarded to him.

13. Pending I.A., if any, stands disposed of.

14. Let a copy of this order along with Trial Court record be sent to the concerned Court for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi

Dated: 24/06/2026

Sachin / **NAFR**

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