

Lalit Kumar Sharma vs. Mast Ram Thakur & another

Cr. MP(M) No. 930 of 2025
Reserved on 30.04.2026

05.06.2026 Present:

Mr Surinder Verma, Advocate, for the petitioner.

Mr R.K. Sharma, Senior Advocate, with Ms Vidushi Sharma, Advocate for the respondents.

Cr. MP(M) No.931 of 2025

The present application has been filed for condonation of the delay in filing the present criminal appeal. As per the report of the Registry, the appeal is within time. Hence, the application is disposed of as infructuous.

Cr. MP(M) No.930 of 2025

The present application has been filed for seeking leave to appeal against the judgment dated 21.12.2024 passed by the learned Additional Chief Judicial Magistrate Court No.1, Sundernagar, District Mandi, H.P. (learned trial Court) vide which the respondent (accused) before the learned trial Court was acquitted of the commission of the offence punishable under Section 138 of the Negotiable Instruments Act (NI Act). (*The parties shall hereinafter be referred to in the same manner as they were arrayed before the learned trial Court for convenience*).

Briefly stated, the facts giving rise to the present application are that the complainant filed a complaint before the learned trial Court against the accused

for the commission of an offence punishable under Section 138 of the NI Act. Learned trial Court held after the conclusion of the trial that the receipt (Ex. DW2/A) was sent to the handwriting expert for comparison with the admitted signature of the complainant. The handwriting expert submitted a report dated 22.11.2024 stating that the documents were written by the same person. The contents of the receipt (Ex. DW2/A) contained an admission that the complainant had received the cheque from Dushyant Kumar, and it did not contain the date, name, amount, or the signatures of the accused Dinanath. This receipt made the complaint's case doubtful. Hence, the learned trial Court acquitted the accused.

Being aggrieved by the judgment passed by the learned trial Court, the complainant/applicant filed the present application seeking leave to file an appeal against the judgment.

I have heard Mr Surinder Verma, learned counsel for the applicant/complainant and Mr R.K. Sharma, learned Senior Advocate, assisted by Ms Vidushi Sharma, learned counsel for the respondent/accused.

Mr Surinder Verma, learned counsel for the appellant/applicant, submitted that the learned trial Court has heavily relied upon the report of the handwriting expert. However, the handwriting expert was not examined. There

are arguable points in the appeal. Hence, he prayed that the present application be allowed and the leave to appeal be granted to the applicant.

Mr R.K. Sharma, learned Senior Advocate for the respondent/accused, submitted that the learned trial Court had recorded the acquittal because the complainant had failed to prove the advancement of the loan. Learned trial Court had taken a reasonable view, and this Court should not interfere with the reasonable view of the learned trial Court.

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

The judgment of the learned trial Court *prima facie* shows that it is based on the report of the handwriting expert. The record does not show that the handwriting expert was examined before the learned Trial Court, and *prima facie*, the reliance could not have been placed upon the report of the handwriting expert to dismiss the complaint. Hence, there are arguable points involved in the appeal, which require adjudication.

In view of the above, the present application is allowed, and the leave to appeal is granted to the applicant. The present application stands disposed of.

Cr. Appeal (ST No. 1775) of 2025

The leave to appeal has been granted as per the order passed in Cr. MP(M) No. 930 of 2025. The appeal be registered.

Notice.

Ms Vidushi Sharma, learned counsel for the respondent, appears and waives service of notice on behalf of the respondent. A copy of the appeal be supplied to the learned counsel, and the matter be listed for hearing in due course.

(Rakesh Kainthla)

Judge

05th June, 2026

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