



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/646/2026</u> Ramesh Singh Nagarkoti --Revisionist Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Ms. Suraiya Naaz, Advocate for the revisionist. Mrs. Pushpa Bhatt, Additional Advocate General for the State of Uttarakhand. 2. The Criminal Revision has been filed by the revisionist challenging the judgment & order dated 17.07.2026 passed by learned Sessions Judge, District Almora in Criminal Appeal No.52 of 2023, whereby the appeal preferred by the revisionist came to be dismissed. Revisionist has also challenged the judgment & order dated 02.12.2023 passed by learned Chief Judicial Magistrate, District Almora in Criminal Case No.66 of 2023 whereby he was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. By the said judgment and order, the revisionist was convicted and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of ₹2,20,000/-. Out of the amount of fine so imposed, a sum of ₹2,00,000/- was directed to be paid to respondent no.2 as compensation, while the remaining sum of ₹20,000/- was directed to be deposited in the State Treasury. It was further directed that, in default of payment of the aforesaid fine, the revisionist shall undergo additional simple imprisonment for a period of three months. 3. Facts of the case, in brief, are that respondent no.2 was well acquainted with the revisionist. Respondent no.2 informed the revisionist that he had obtained a loan from the State Bank of India and that an amount of approximately ₹6,00,000/- remained outstanding against him, which the bank was demanding to be



		repaid. Taking advantage of the said situation, the revisionist represented to respondent no.2 that he had good connections with the officials of the State Bank of India and assured him that, if an amount of ₹2,00,000/- was provided to him for being deposited with the bank, he would get the remaining outstanding amount waived. Believing the aforesaid representation, respondent no.2 handed over to the revisionist a sum of ₹2,00,000/- on 28.10.2022, comprising ₹1,00,000/- through cheque and ₹1,00,000/- in cash. Subsequently, when the bank again issued a recovery certificate to respondent no.2, he confronted the revisionist in respect thereof. Thereupon, the revisionist issued a cheque for a sum of ₹2,00,000/- in favour of respondent no.2. Upon presentation of the said cheque for encashment, the same was dishonoured and returned unpaid with the endorsement "Insufficient Funds". Thereafter, respondent no.2 issued the statutory notice contemplated under Section 138 of the N.I. Act calling upon the revisionist to make payment of the cheque amount within the prescribed period. Despite service of the statutory notice, the revisionist failed to make payment of the cheque amount within the stipulated period. Consequently, respondent no.2 instituted a complaint, which was registered as Criminal Case No.66 of 2023. Upon consideration of the evidence and material available on record, learned Chief Judicial Magistrate, District Almora, vide judgment and order dated 02.12.2023, convicted the revisionist for the offence punishable under Section 138 of the N.I. Act and sentenced him as stated hereinabove. Aggrieved by the said judgment and order of conviction and sentence, the revisionist preferred Criminal Appeal No.52 of 2023 before the learned Sessions Judge, District Almora. The learned Appellate Court, upon re-appraisal of the material available on record, dismissed the appeal vide judgment and order dated 17.07.2026 and affirmed the conviction and sentence recorded by learned trial Court. Hence, the present Criminal Revision. 4. Learned counsel appearing for the revisionist submits that learned Courts below have failed to appreciate the evidence in its correct perspective. It is contended that respondent no.2 failed to establish that any legally enforceable debt or liability was due and payable by the revisionist and, therefore, the essential ingredients of the offence under Section 138 of the N.I. Act were not made out. It is further submitted that the cheque in question was a blank signed cheque which had
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			been handed over by the revisionist to one Kuldeep Bisht, and the same was subsequently misused. According to learned counsel, respondent no.2 himself filled in the particulars of the cheque and presented the same for encashment. It is also submitted that the handwriting appearing on the body of the cheque is different from the signature of the revisionist. On these grounds, it is contended that the findings recorded by the learned Courts below are perverse and suffer from illegality and material irregularity and, therefore, warrant interference in exercise of revisional jurisdiction. 5. Per contra, learned State Counsel supports the judgments passed by the learned Courts below and submits that the revisionist has admitted his signature on the cheque in question. It is contended that, once the signature on the cheque is admitted, the statutory presumptions under Sections 118(a) and 139 of the N.I. Act operate in favour of the holder of the cheque. The revisionist has failed to rebut the said presumptions by leading any cogent or reliable evidence. It is, therefore, submitted that the conviction recorded by the learned trial Court and affirmed by the learned Appellate Court calls for no interference. 6. Heard learned counsel for the parties and perused the record. It is not in dispute that the cheque in question bears the admitted signature of the revisionist. The principal defence raised by the revisionist is that although the cheque bears his signature, the other particulars therein were filled in by someone else and that the cheque was subsequently misused by respondent no.2. The said contention, by itself, does not come to the aid of the revisionist. Once the execution of the cheque is admitted or the signature thereon is admitted, the statutory presumptions under Sections 118(a) and 139 of the N.I. Act come into play. The presumption under Section 139 is that the cheque was received by the holder, wholly or in part, in discharge of any debt or other legally enforceable liability. The said presumption is rebuttable; however, the accused is required to raise a probable defence by placing before the Court such material which, on a preponderance of probabilities, renders the existence of the legally enforceable debt or liability doubtful. 7. Hon'ble Supreme Court in the case of Bir Singh Vs. Mukesh Kumar, reported in (2019) 4 SCC 197, has authoritatively held that a person, who signs a cheque and voluntarily hands it over to the
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			payee, remains liable even if the cheque has been filled in by some other person. The mere fact that the particulars of the cheque were subsequently filled in by the payee or any other person does not, by itself, invalidate the cheque or absolve the drawer of liability. The statutory presumption under Section 139 of the N.I. Act continues to operate unless the accused successfully rebuts the same by raising a probable defence. Hon'ble Supreme Court has further reiterated that the burden upon the accused to rebut the statutory presumption is not as onerous as the burden upon the prosecution to prove its case beyond reasonable doubt; nevertheless, a mere denial or a bald assertion of misuse of a blank cheque would not, by itself, constitute sufficient rebuttal. 8. In the present case, the revisionist has admitted his signature on the cheque in question. His defence that the remaining particulars were filled in by somebody else, therefore, does not by itself dislodge the statutory presumption arising under Sections 118(a) and 139 of the N.I. Act. Learned Courts below have considered the said defence and, upon appreciation of the evidence available on record, have found it to be unsubstantiated. Significantly, the revisionist has failed to place any cogent and convincing material on record to establish that the cheque had been handed over to Kuldeep Bisht for a purpose wholly unconnected with any liability towards respondent no.2 or that the cheque was thereafter unlawfully procured and misused by respondent no.2. No such evidence has been brought on record which would make the defence of the revisionist probable so as to rebut the statutory presumption. The mere difference in handwriting between the signature and the other particulars of the cheque is also not, in itself, sufficient to rebut the statutory presumption, particularly when the signature on the cheque is admitted. Learned Courts below have concurrently considered the defence of the revisionist and have found the same to be an afterthought. This Court finds no compelling reason to take a different view. 9. It is also well settled that the revisional jurisdiction of this Court is limited and supervisory in nature. The revisional Court does not ordinarily re-appreciate or re-weigh the evidence merely because another view may be possible. Where the trial Court, upon appreciation of the evidence, has recorded a finding of conviction and the same has been independently considered and affirmed by the
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			Appellate Court, interference in revision is warranted only where the findings are perverse, manifestly illegal, based on no evidence, or where there has been a patent miscarriage of justice or jurisdictional error. In the present case, learned trial Court has duly appreciated the evidence on record and recorded a finding of guilt against the revisionist. The learned Appellate Court has thereafter re-examined the material on record and affirmed the said findings. The revisionist has failed to demonstrate that the findings recorded by the learned Courts below suffer from perversity, manifest illegality, material irregularity or jurisdictional error. 10. Having regard to the entire facts and circumstances of the case, this Court finds that the conviction recorded by the learned trial Court and affirmed by the learned Appellate Court is based upon proper appreciation of the evidence and the applicable provisions of law. No perversity, illegality, material irregularity or jurisdictional error has been demonstrated. There is also no material on record to suggest that the findings of the learned Courts below have resulted in any miscarriage of justice. 11. Consequently, no ground is made out for interference with the concurrent findings of fact recorded by the learned Courts below in exercise of the revisional jurisdiction of this Court. 12. For the reasons recorded hereinabove, the present Criminal Revision lacks merit and is, accordingly, dismissed. (Alok Mahra, J.) 08.09.2026 <i>Arpan</i>
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