

IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS, MUZAFFARPUR(W)

C – 189/21

10/10/2022 - Complainant is present through his counsel, the record is fixed for order today.

Heard learned counsel on behalf of complainant and perused the case record. From perusal of the case record it transpires that complainant has filed complaint petition against the accused person namely Rakesh Kumar Shah, with allegation u/s 138 Of the N.I Act. Brief thereof is that the Accused took 3,50,000 from the complainant on some personal necessity and handed over thirty five cheques of amounting Rs: 10,000 /- each towards in complainant favour but the only one cheques is deposit, complainant deposited next cheque bearing number 341383 dated 04.12.20 on 22.12.20 same got dishonored showing to insufficiency of funds. He sent a demand notice on dated 16.01.21, but when nothing was done, the present case was filed. In this case the cheques was dishonored on 22.12.20 and whitih one month demand was sent on dated 16.01.21. present complaint has been filed whinin one month of the lapse of 15 days of demand notice which fulfill all the requirements of section 138 of N.I Act against the named accused persons.

In support, the complainant has been examined on S.A and two enquiry witness, produced documents. Besides, demand/promissory note, cheque and return memo and postal receipt have been furnished. On the basis of statement of complainant, enquiry witness and documents, it appears that sufficient material is available on record to proceed against accused persons namely- 1.Rakesh Kumar Shah for prima facie case u/s 138 of N.I Act

Complainant is directed to file requisites of summons within a fortnight. O/C is directed to issue summon after receiving of requisites. Put up on dated 10/11/22 for appearance.

J.M 1ST Class

Muzaffarpur (west)

