

be filed within the time prescribed by the section 142 (b) of NI Act,1881, due to covid pandemic.

In this regard, it is pertinent to state that Hon'ble Supreme court of India vide order dt. 10/01/2022 passed in Suo Motu Writ Petition (C) 3 of 2020 has been pleased to exclude the period from 15/03/2020 to 20/02/2022 for the purposes of limitation. Therefore, in light of the aforesaid order of Hon'ble Apex Court, the delay in filing of the complaint petition stands condoned.

Further, on hearing the Ld. counsel of the complainant and after perusal of Complaint petition, SA of the complainant on affidavit and documentary evidence available on the case record, it appears that the cheque issued by the accused got dishonored for the reason "funds insufficient". The complainant sent a legal notice to the accused but he neither replied nor paid the cheque amount.

In view of aforesaid facts, this court finds that prima facie sufficient materials are on the record against the accused Harish Khurana, Proprietor of Panipat Goods Corporation, for the offence punishable under section 138 of the NI Act,1881. Accordingly, office clerk is directed to issue summons against the above-named accused person Harish Khurana for the offence punishable under section 138 of NI act after filing of requisites and process fees by the complainant. The complainant is directed to file requisites, including the list of prosecution witnesses and process fees, if any, necessary for issuance of summons within 14 days from the date of this order.

Put up on **18/08/2023** for appearance of the accused person.


JMFC.