

Complaint Case No: 280/2025

Rajesh kumar Jain Versus Ramnivas Gupta

Serial Number of Order	Date of Order	Order with initials of the Magistrate.	Office notes as to action taken on order (if any) and date
1	2	3	4
	16.01.2025	Attendance has been filed on behalf of the complainant through his counsel. Record has been put up for orders after hearing on the point of summoning the accused person. This complaint petition has been filed by Rajesh Kumar Jain against the accused Ramnivas Gupta, for the offences punishable under sections 316, 318 of BNS, 2023 and u/s 138 of NI Act, 1881. The case of the complainant, as reflected in the complaint petition, is that he had business relations with the accused person for about five years prior to the occurrence of the incident. Reposing trust and confidence in the accused, the complainant had sold to the accused mustard and refined oil worth Rs.5,38,362 on credit. It has further been alleged that, under considerable pressure, the accused issued two cheques in favour of the complainant, namely: cheque bearing No. 281671 for an amount of Rs.2,45,492 and cheque bearing No. 281672 for an amount of Rs.2,92,870. However, when he presented these cheques in the bank then they got dishonored for the reason "funds insufficient". It has further been alleged that on 3 July 2025, a legal notice was issued to the complainant which he received on 5.07.2025, but he did not respond to the said notice. Therefore, this complaint case has been filed. SA of the complainant was recorded on oath. An inquiry was also conducted in the matter in which complainant has examined one witness on his behalf. Besides that, complainant has also placed on record photostat copies of both cheques, return memo report, legal notice sent to the accused, copy of the postal receipt. After an inquiry was conducted in the matter, a notice under Section 223 of the BNSS, 2023, was issued to the accused person to make his submissions with regard to the allegations levelled against him. In response to the said notice, a reply was submitted on behalf of the accused, wherein it was stated that he had business relations with the complainant for the last eight years, and that, by way of stratagem, the	

complainant had taken the dishonoured cheques from him along with certain papers. It was further stated that the said cheques were not issued in discharge of any legally enforceable debt or liability.

Heard the Ld. counsel of the complainant and after perusal of Complaint petition, SA of the complainant and documentary evidence available on the case record, it appears that cheques issued by the accused got dishonoured for the reason 'funds insuufficient. The complainant issued a legal notice through registered post to the accused but he did not respond to the same. Consequently, this complaint case has been filed, which appears to be well within the prescribed time as per the averments in the complaint petition.

In view of aforesaid facts, this Court finds sufficient ground for proceeding against the accused Ramnivas Gupta for the offence punishable under section 138 of the NI Act, 1881.

Further, this court finds that the ingredients of the other offences alleged to have been committed by the accused are not available on the record.

Accordingly, O/c is directed to issue summons against the above-named accused person upon filing of requisites and process fees by the complainant. The complainant is directed to file the requisites for summons and process fees, as required for issuance of summons within 14 days from the date of this order. Put up on 09/02/26 for appearance of the accused.


JMFC.