

*In the Court of Sri Praveen Kumar, Judicial Magistrate, First Class, Patna Sadar
Complaint Case No:658(c)/2021*

Anil Kumar Sinha Versus Sanjit Kumar

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
	02/05/2024	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 Anil Kumar Sinha against the accused Sanjit Kumar for the offence punishable under section 138 of NI Act, 1881. The case of the complainant is that he had supplied gravel of Rs. one lakh to the accused person. In order to pay that money, the accused person had given him a cheque of that sum. However, when the said cheque was presented by him in the bank, then the same got dishonoured for the reason "funds insufficient". Thereafter, a legal notice was sent on his behalf to the accused demanding the payments against the said cheque amount within 15 days of the receipt of the said notice but the accused person has neither sent any reply nor paid the said amount. Therefore, this complaint case has been filed. SA of the complainant has been filed on affidavit. Besides that, complainant has also placed on record photostat copy of cheque dt. 31/05/2021, return memo report, legal notice sent to the accused, copy of the postal receipt. An inquiry u/s 202CrPC was also conducted in the matter to the extent of examination of documents placed on record by the complainant. Further, complainant has examined one witness also in this case on his behalf under section 202 CrPC. Heard 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 cheque issued by the accused bounced for the reason 'funds insufficient'. The complainant issued a legal notice through registered post to the accused but he neither replied nor paid the money. 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 Sanjit Kumar for the offence punishable under section 138 of the NI Act, 1881. Accordingly, the 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 12/06/24 for appearance of the accused.


JMFC ~~21~~