

*In the Court of Sri Praveen Kumar, Judicial Magistrate, First Class, Dehri, Rohtas.
Complaint Case No: 291 /2020*

Lal Bihari singh Vs. Iftekhar Ahmad Johar & Ors.

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
	23.03.2024	Record has been put up today for orders after hearing on the point of summoning the accused person. This complaint petition has been filed by Lal Bihari Singh against Iftekhar Ahmad Johar and Ajay Patel @ Ajay Chaudhary, for the offences punishable under sections 406 and 420 of IPC and under section 138 of NI Act. It has been alleged by the complainant that on the prodding of both the accused persons Iftekhar Ahmad Johar and Ajay Patel @ Ajay Chaudhary, he had paid them a total of Rs. 887540/- in lieu of a piece of plot which both the accused persons had agreed to sell to him. However, in spite of taking so much of money from him, the accused persons did not sell the land in question to him, and on repeated requests to return the money, the accused Iftekhar Ahmad Johar gave him four cheques to return the said amount with interest. However, when he presented the said cheques in bank, then all the cheques got dishonoured for the reason funds insufficient. Thereafter, a legal notice was given to the accused persons regarding dishonor of the cheque but the accused persons have not paid him the cheque amount. The statement of the complainant was recorded under section 200 CrPC. in which he has supported the allegations levelled by him in the complaint petition. An inquiry was also conducted in the matter u/s 202 CrPC in which complainant has examined one witness on his behalf who has supported the contentions of the complainant. complainant has also placed on record photo stat copies of cheques issued by accused, return memo report, legal notice sent to the accused, etc. Heard the Ld. counsel of the complainant on the point of summoning the accused person.	

On hearing 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 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 received the same nor paid the cheque amount. It has also come on record during the inquiry that both the accused persons have taken an amount of Rs. 887540/ from the complainant for selling a piece of land to him but they neither sold the land to him nor returned the money to him, and further that the cheques that one of the accused persons gave to the complainant got dishonoured for insufficient funds in his account.

In view of aforesaid facts, this court finds that prima facie sufficient materials are on the record against the accused persons for the offence punishable under section 420 of IPC and 138 of the NI Act, 1881. Accordingly, office clerk is directed to issue summons against the above-named accused persons Iftexhar Ahmad Johar and Ajay Patel @ Ajay Chaudhary, for the offence punishable under section 420 of IPC and 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 **10/05/2024** for appearance of the accused persons.


JMFC.