

Shri ram Finance ltd. Vs Jagdev Singh

Present: Sh. Harkaran Bir Singh Dhillon, Advocate for complainant.

Affidavit of index mandated by the judgment of Hon'ble Supreme court in case titled "Sanjabij Tari VS Kishore.S. Borcar & another" has been filed.

CW 1 is present and examined and closed the preliminary evidence. Arguments on the point of summoning heard. The complainant has filed the present complaint under section 138 of the Negotiable Instrument Act against the accused on the allegations that in order to discharge his liability, accused issued cheque bearing no. 067611 dated 20.04.2026 for Rs. 86,170/- with assurance that the same will be honored on presentation. But, when the complainant presented the same with his banker for encashment, the said cheque was dishonored vide memo of the bank dated 21.04.2026 with the remarks "Funds Insufficient". The complainant served a legal notice dated 29.04.2026 calling upon the accused to make the payment of the cheque amount, but the accused failed to make the said payment.

In the preliminary evidence; the complainant examined himself as CW1 and tendered his duly sworn affidavit Ex.CW1/A and deposed that the cheque in question was issued by the accused in order to discharge his liability and on presentation of the same in the bank, the said cheque was dishonored. He also proved on record original cheque as Ex.C1, memo Ex.C2, copy of legal notice as Ex.C3, postal receipt as Ex.C4 and power of attorney Ex.C5. The complainant has also proved the legal notice calling upon the accused to make the payment of the cheque amount but the accused has failed to make payment of the said amount. From the entire evidence so produced by the complainant, sufficient grounds are made out to proceed against accused U/s 138 Negotiable Instruments Act, 1885.

Accordingly, accused is ordered to be summoned to face trial for offence punishable U/s 138 of Negotiable Instruments Act for 03.09.2026 on filing copy of complaint/list of witnesses, PF/DM etc. within 7 days. Dasti summons be given, if requested.

Date of Order: 11.08.2026
Sandeep Kaur

(Ashmita Romana)
Judicial Magistrate - Ist Class,
Sri Muktsar Sahib
UID No . PB00721