

HRBHC10011032022



NACT/116/2022
Dharmender versus Pawan Kumar

Present: Complainant in person with Shri Suresh Kumar Dhull, Advocate.

Complaint under Section 138 of Negotiable Instrument Act presented before me being Illaqa Magistrate. It be checked and registered. CW-1 Dhramender is present and tendered his evidence by way of affidavit Ex.CW1/A alongwith documents Ex.C1 to Ex.C4 and closed his evidence by way of statement recorded separately.

Heard on the point of summoning of accused. The complainant has filed the present complaint against the accused under section 138 of the Negotiable Instruments Act on the allegations that the accused in order to discharge his liability towards the complainant, issued cheque bearing no. 000035 dated 01.08.2021 for an amount of Rs. 1,14,700/- drawn on HDFC Bank. The complainant presented the said cheque in his bank for encashment but the same was received back dishonoured on the ground of "**Funds Insufficient**". The complainant then got issued a legal notice on dated 25.08.2022 to the accused but the accused failed to make the payment of the cheque amount. Hence, the present complaint.

In view of the preliminary evidence as discussed above, a prima-facie case punishable under section 138 of Negotiable Instrument Act is made out against the accused. Let the accused be summoned for 17.01.2023 to face trial under section 138 of Negotiable Instruments Act, on filing of PF, copy of complaint and list of witnesses. Dasti summons be given, if desired.

(Sunil Kumar-IV)
Sub Divisional Judicial Magistrate
Siwani (UID No. HR0336)

Date of order:-06.10.2022
Kavita, Stgr-III