

Shri Ram City vs Ashok

Present: Complainant in person with counsel Sh Vijay Vashisth, Advocate.

ORDER

Complaint presented today. It be checked and registered. Complainant has examined himself as CW1 and tendered his affidavit Ex.CW1/A and documents Ex.C1 to Ex.C4 and closed the preliminary evidence on behalf of complainant. Arguments on the point of summoning of accused heard.

Brief facts of the present complaint are that in order to discharge the financial liability, the accused issued a cheque bearing No.040024 dated 5.09.2022 amounting to Rs.24,000/- drawn on State Bank of India, Bagru Kalan, Sfidon, Jind. On presentation, of the said cheque, the same was received back dishonored vide memo dated 7.9.2022 with the remarks "Funds Insufficient". The complainant intimated the accused regarding the dishonour of the cheque. Thereafter, the complainant served legal notice dated 19.9.2022, within one month of the information about the dishonor, upon the accused through registered post, but the accused failed to pay any heed to the legal notice. Hence, this complaint.

To prove his version, complainant has placed on record his affidavit Ex. CW1/A, wherein he has reiterated the averments as contained in the complaint as correct while testifying all the documents i.e. Ex. C1 to Ex.C4 of reliance in original.

After hearing the learned counsel for the complainant and from the perusal of the documents placed on record, a prima facie case is made out against the accused for the commission of offence punishable under Section 138 of the Negotiable Instruments Act on account of non – payment of the amount of dishonored cheque within 15 days after receiving the notice of demand. Necessary process be issued against the accused. Let the accused be summoned on filing of PF, RC/ Speed Post/ approved Courier Service for 24.5.2023. Accused be served through affixation also in terms of Section 65 of Code of Criminal Procedure 1972. Complainant is at liberty to accompany with the process server for service of the summons.

(Aparna Choudhary)
JMIC, Sonipat
UID No. HR-0436

Date of order: 31.10.2022
Monisha