

Ranbir Singh Vs. Rohit

Present: Complainant in person with Shri S.K. Bhardwaj, Adv.

Complaint received by way of assignment. It be checked and registered. One CW Ranbir Singh is present and examined as CW1 and he has tendered his duly sworn affidavit Ex.CW1/A and documents Ex. C1 to Ex. C19 in preliminary evidence and closed the preliminary evidence vide his separate recorded statement.

2. Heard on the point of summoning of accused. Briefly stated, the facts of the present case are that the accused had issued **Cheque No.604279** dated **07.07.2026** of **Rs.2,00,000/-**, cheque No.604280 dated **09.07.2026** of **Rs.3,00,000/-** and cheque no.604281 date4d **12.07.2026** of **Rs.1,00,000/-** for the payment to the complainant in discharge of his liability. The said cheques on presentation to the banker of the accused received back with the remarks **“Fund insufficient”** vide memos dated **13.07.2026**. Complainant served a legal notices dated **16.07.2026 & 17.07.2026**, for demanding the cheques’ amount, the receipt of which is placed on file, but despite the statutory period of 30 days to accused, same were not received back either served or unserved. Hence, it would be deemed that the notices were served upon the accused. Despite that he has failed to make the payment. Hence, the present complaint is filed against the accused under Section 138 of Negotiable Instruments Act.

3. The complainant has moved a complaint in this court on **12.08.2026**. Prima facie, the complaint has been moved within the period of limitation provided for the same under section 138 of NI Act. The

chronological order of relevant dates is as under:-

- a) The date of cheques: **07.07.2026, 09.07.2026 and 12.07.2026.**
- b) The date of presentation of cheques: **07.07.2026, 09.07.2026 and 12.07.2026**
- c). The date of receiving of memo of dishonour: **13.07.2026**
- d) The date of dispatch of legal notices : **16.07.2026 & 17.07.2026**
- e) The date of moving of complaint to the court: **12.08.2026** (which is within the prescribed period as enshrined under the Negotiable Instruments Act, 1881).

4. In view of the discussion above, it is clear that the complainant has followed the procedural safe guards under Section 138 and Section 142 of N.I. Act.

5. To substantiate the facts, the complainant appeared in the witness box as CW1 and testified on oath the whole story as put forth in the complaint and further has placed on record the cheques, memo return, legal notice, postal receipt etc.

6. Heard. Perusal of the documents placed on record reveals that the complainant had presented the cheques in question to the banker of the accused in time and further issued notice to the accused within a period of 30 days from the date of receipt of communication about dishonouring of cheques, but still the accused failed to make the payment.

7. Therefore, keeping in view the aforesaid discussion and observation there are sufficient grounds to proceed against the accused u/s 138 of Negotiable Instruments Act. Let, the accused be summoned by all modes except publication on filing of PF, RC, copy of complaint etc, within seven days from now. Adjourned to **13.10.2026**. Summon be taken dasti, if so desired.

Dated: 12.08.2026

Naresh Kumar

(Yogesh Kaushik)
JMJC/CJ(JD)/Jind,
UID No. HR0763