

Present: Complainant in person with Sh. Gurdeep Singh, Advocate.

Order:-

CW1 Pan Singh i.e. complainant got examined through affidavit Ex.CW1/A and also tendered the documents Ex.C1 to Ex.C7 be read in his evidence. Thereafter, he has closed his preliminary evidence by giving a statement to that effect. Hearing has been provided to the Ld. Counsel on the point of summoning of accused on the basis of allegations made in the complaint.

2. As per the version of complainant the accused in discharge of his liability had issued cheque bearing no. 605175 dated 16.08.2022 on his account no. 3154000101368929 amounting to Rs. 3,00,000/- in favour of the complainant. On presentation the same was returned unpaid by the banker of the complainant with remarks '**Funds Insufficient**'. The complainant issued a legal notice through registered speed post on 02.09.2022 but despite the said legal notice accused had failed to pay the amount of cheque to the complainant. These averments prima facie make out a case punishable under Section 138 of Negotiable Instruments Act, 1881 in favour of the complainant.

3. To prove these averments the complainant has appeared himself as CW1 and proved the documents from Ex.C1 to Ex.C5 respectively. A perusal of the case file goes to show that the above said cheque was exclusively signed by the respondent/accused. Thus, there are sufficient grounds for summoning the respondent/accused for commission of offence under Section 138 of Negotiable Instruments Act, 1881. Hence, ordered accordingly. Now, accused be summoned for **10.10.2023** on filing of PF/RC etc. within two days positively. **Long date is given due to heavy pendency of old cases.**

Date of order: 09.05.2023

Luxmi, Stenographer Gr.III

(M. Z. Khan)

JMIC/Jhajjar.

UID No.HR-0417