

SFSPL Vs. Harilal

Present: AR for complainant with Sh. Karan Sharma, Advocate.

Order:

Brief facts of the present case are that the accused issued Cheque No. 737181 dated 05.12.2022 for Rs.39,632/- to the complainant in discharge of liability. The said cheque(s) was/were dishonoured with remarks "Exceeds arrangement". Complainant served a legal notice upon the accused but accused failed to make the payment to the complainant.

2. To substantiate the facts, the complainant stepped into the witness box as CW1 and placed on record the original cheque, return memo, legal notice, postal receipts, etc.
3. Heard. Perusal of the documents placed on record reveals that the complainant has presented the cheque within period of validity. Thereafter complainant issued a legal notice to the accused within period of 30 days from the date of receipt of communication about the fact of dishonour of cheque. Accused failed to make the payment to the complainant within stipulated time.
4. Keeping in view the above facts, there is sufficient prima facie ground to proceed against the accused *u/s 138 r/w Section 141 of Negotiable Instruments Act*. As a necessary corollary of the above discussion accused is hereby summoned for commission of offence *u/s 138 of Negotiable Instruments Act*. Summons be issued to the accused through all modes for **15.07.2024** on filing of process fees, etc. Summon be taken dasti, if so desired.

Announced in Open Court:  
15.12.2023  
First Class,

**Girraj Singh**  
**Judicial Magistrate**  
**Gurugram, UID no. HR0480**

SFSPL Vs.

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AR for complainant tendered duly sworn affidavit Ex. CW1/A alongwith certain documents in preliminary evidence and closed the preliminary evidence.

Arguments heard on the point of summoning of the accused. Vide separately recorded order of even date, accused has been summoned *u/s 138 r/w Section 141 of the Negotiable Instrument Act* for **15.07.2024** Summon be taken dasti, if so desired.

**(Girraj Singh)**  
**JMFC, Gurugram**  
**UID no. HR0480**

**Date of Order: 15.12.2023**

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