

Asirvad Micro Finance Vs Dharamender

Present: Complainant with Sh. Prashish Kanwar, Advocate

Summons to the accused not issued for want of copy. The notice under Section 223 of BNSS is hereby dispensed with in view of the judgment of Hon'ble Supreme Court of India in case titled as *Sanjabij Tari Vs. Kishore S.Borcar and another (25 September, 2025)*.

Arguments heard on the point of summoning of accused.

1. Brief facts of the present case are that the accused issued cheque no. 000002 dated 03.01.2025 for Rs.1,49,613/- to the complainant in discharge liability. The said cheque was dishonoured with remarks "Funds Insufficient". 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

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ground to proceed against the accused *u/s 138 of Negotiable Instruments Act*. As a necessary corollary of the above discussion **accused namely Dharmender** is hereby summoned for commission of offence u/s 138 of Negotiable Instruments Act. Summons be issued to the accused through all modes for **29.05.2026** on filing of process fees, etc. Summons be taken dasti, if so desired.

Order Dated: 20.12.2025
Gurpreet

(Girraj Singh)
Judicial Magistrate Ist Class,
Kurukshetra. UID No. HR0480.