

Order below Exh.27 in C.C. No.1939/SS/2019

This is an application filed by the complainant for issuance of witness summons to bank witness.

2. The complainant contended that, the complainant is intending to examine bank witness to prove the bank memo. Hence, the complainant has filed present application and prayed for allow of the application.

3. The accused filed say on Exh.27 itself and contended that leave it to the Court.

4. I have heard the learned advocates for the complainant and accused. They have argued in the line of their respective contentions.

5. On perusal of proceeding, it is seen that, it is the case of the complainant that disputed cheque is returned dishonoured with remarks 'Payment Stopped by the Drawer'. The complainant has produced photocopy of memo at the time of filing complaint and the system generated copy of bank memo at the time of filing affidavit in lieu of examination-in-chief. It is seen that said bank memo does not bear official mark.

6. Therefore, considering case of the complainant since the inception that disputed cheque is returned dishonoured with remarks 'Payment Stopped By Drawer' and the bank memo is produced on record, the complainant is required to be permitted to examine bank witness. Accordingly, I proceed to pass following order :-

ORDER

1. Issue witness summons to Branch Manager of Canara Bank as mentioned in the application.
2. The complainant shall pay witness Bhatta.
3. Dictated and pronounced in open court.

Date : 03.11.2025

KCK

(A.S. Tekale)
Metropolitan Magistrate
14th Court, Girgaon, Mumbai.