

Present: Sh. Amit Gupta, Adv, counsel for the complainant.

Heard. I have perused the complaint and evidence on record i.e. original cheque Ex.C1, memo Ex. C2, copy of legal notice Ex. C3 and postal receipt Ex. C4, copy of bill Ex.C5. As per record, complaint is within period of limitation and document placed on record in original are per-se-admissible under Section 4 of Banker Book Evidence Act. Despite demand notice, accused has failed to pay the cheque amount and therefore, prima-facie committed an offence punishable under Section 138 of Negotiable Instrument Act. Let, notice to accused be issued to face summary trial of an offence punishable under Section 138 of Negotiable Instrument Act for 30.04.2024, on filing of PF, RC etc. Process be issued dasti, if required.

Special summons be issued to the accused thereby directing and giving an opportunity to pay the cheque amount in the court either in person or through authorized representative or through money-order or demand draft within 15 days from the date of receipt of these summons or after his appearance in court by moving an application in this regard to compound the offence by paying the cheque amount in terms of directions of Hon'ble Supreme Court in "Damodar S. Prabhu Vs Saheed Baba Lal H (2010) 5 SCC 663".

Date of Order: 27.03.2024
Arshdeep*

(Damandeep Kamal Heera),
Judicial Magistrate 1st Class,
Faridkot/ UID no. PB0416