

CNR No: PBKP030010252020

CIS No: NACT-124-2020

Sukhbir Singh VS Varinder Kumar etc.

Present: Sh. Suresh Chopra Advocate for the complainant.

Order

CW-1 Sukhbir Singh present and examined and closed his preliminary evidence.

Brief facts of the case are that the accused Varinder Kumar owed Rs.3,00,000/- from complainant and in order to discharge his legal liability the accused issued a cheque in the sum of Rs.3,00,000/- bearing cheque no. 027628 dated 20.12.2019 in favour of the complainant drawn on State Bank of India, Branch Basti Shaikh, Jalandhar with an assurance that the same would be honoured and encashed at the time of its presentation in the bank, but on presentation of the cheque by complainant in his bank, namely Punjab & Sind Bank Branch Village Dayalpur District Kapurthala for clearance, the said cheque was dishonoured on account of "Funds Insufficient" and thereafter the complainant got issued a legal notice dated 10.02.2020 through his counsel calling upon the accused to make the payment of the said cheque within the stipulated period, but in spite of that notice, accused did not make the payment of the said cheque. Hence, this complaint.

3. In Preliminary Evidence, the complainant tendered his affidavit Ex.CA along with documents Original Cheque Ex.C1 dated 20.12.2019, return memo dated 30.01.2020 as Ex.C2, Legal notice dated 10.02.2020 as Ex.C3, postal receipt dated 10.02.2020 as Ex.C4, and closed the preliminary evidence.

4. I have heard the Ld. Counsel for the complainant and have gone through the file carefully.

5. Keeping in view the documents/preliminary evidence brought on record by the complainant. Court is satisfied that there are sufficient grounds to summon the accused to face trial U/s 138 of Negotiable Instrument Act and the accused is ordered to be summoned U/s 138 of Negotiable Instruments Act for 18.03.2021 on filing of PF, copy of complaint and list of witnesses.

Pronounced in Open Court:

Date of Order: 05.02.2021
(Neha)

(Monika)
Judicial Magistrate First Class-V
UID NO . PB00628