

M/S Super Star Vs. M/s Guneet Traders and others Nact 137/2022

Present: Complainant in person along-with counsel Sh. Sandeep Kumar Adv.

Complainant Vikram Puri has come present and tendered into evidence his duly sworn pre-summoning affidavit as Ex.CW1/A. He also tendered relevant documents Ex. C1 to Ex. C5 and closed its preliminary evidence.

Heard. From the perusal of material available on record. It transpires that accused issued a cheque bearing no. 974945 dated 6.1.2022 amounting to Rs. 3,59,380/- in order to discharge of his liabilities towards the complainant. The complainant presented the aforesaid cheque for encashment, but the same returned unpaid vide memo dated 27.1.2022 with remarks "funds insufficient". Thereafter, the complainant on 1.2.2022 got issued notice of demand under Section 138 of NI Act to accused, but the accused despite receipt of notice, has failed to make payment within the stipulated period of 15 days. As such, the prima facie case under Section 138 of NI Act is made out against the accused. Accordingly, accused is ordered to be summoned to face trial under Section 138 of NI Act for 2.5.2022 on filing of PF/RC and copy of complaint. Dasti summons of accused be also given to complainant on request.

Date of order 11.3.2022

Nikita Aery

Pushpa Rani
Chief Judicial Magistrate
Hoshiarpur/UID: PB-0279