

Om Parkash Khurana Versus Mohit Verma

CNR No.PBMOB10012712021

CIS No. Nact. 123.2021

Present: Complainant with Sh. A.K. Majithia, Advocate.

Arguments on the point of summoning heard. Ld. counsel for the complainant submitted that CW1 Gourav Khurana complainant has corroborated his version and proved on record the original cheque as Ex.C1, memo dated 23.09.2021 as Ex.C2, Legal notice Ex. C3, postal receipt as Ex.C4, acknowledgements Ex. C5 to Ex. C7, photocopy of power of attorney Ex. C8 and ledger accounts Ex. C9 to Ex. C11. Perusal of averments reveals that accused has issued cheque Ex.C1 in favour of the complainant, in discharge of his liability. However, the said cheque was dishonoured vide memos Ex.C2 with remarks “ Insufficient Funds”, when the same was presented by the complainant for encashment with his banker. Complainant issued legal notice Ex.C3 calling upon the accused to make the payment of cheque amount within 15 days. However, accused failed to make the payment of cheque amount within stipulated period and thereby committed the offence punishable U/S 138 of the Negotiable Instrument Act.

Having regard to my discussion above, I am of the considered opinion that there are sufficient grounds to summon the accused under Section 138 of the Negotiable Instrument Act. Accordingly, accused is ordered to be summoned for 03.02.2022 to face trial Under Section 138 of the Negotiable Instrument Act on filing of PF, copy of complaint etc.. Dasti process be given if requested.

Date of Order: 13.12.2021

(Tejwinder Kumar -stenographer-Gr.I)

(Ravneet Singh),
Sub Divisional Judicial Magistrate,
Baghapurana/UID:PB0361.