

Vijay Pal Vs. Kanika

Present: Complainant in person represented by Sh. Anil Kumar Mahroliya, Advocae

Complaint under Section 138/142 of Negotiable Instrument Act presented before me. It be checked and registered. Complainant is present and tendered his affidavit Ex.CW1/A and documents Ex.C1 to Ex.C4 and has closed his preliminary evidence, vide his separately recorded statement.

Heard the complainant and his counsel on the summoning point of the accused as well as perused the case file.

The learned counsel for the complainant reiterating the contents of the complaint submitted that there appears a prima facie case against the accused under the offences in question. At last, he requested to summon and try the accused above named for the commission of said offences.

After having heard the complainant and his counsel and perused the case file, this Court is of the considered view that there appears the grounds to summon the accused under Section 138 of Negotiable Instruments Act. The complainant, while appearing in the witness box, has proved his averments on oath made by him in the complaint and the same is finding due support and corroboration from the documentary evidence. At the stage of the summoning of the accused, a deep inquiry is not required. At this stage, there should appear only a prima facie case against the accused and nothing more than that is required. The Hon'ble Apex Court in many decisions has observed that at the stage of summoning of accused, a detailed order is not required.

In view of the above discussion, the accused above-named be summoned to face the trial for the commission of the offence punishable under Section 138 of Negotiable Instruments Act, for 20.05.2023. Accused be summoned through ordinary process, on filing of copy of complaint and list of witnesses etc. by the complainant.

(Jogender Singh),
SDJM/Gohana
UID No. HR0313

Date of Order:12.10.2022
(Hema)
Stenographer Grade-III