

Present: Complainant with counsel Sh. Jagdish Kamboj, Advocate.

CW1 Gurmeet Singh is present and he tendered his evidence by way of affidavit as Ex.CW1/A and documents Ex.C1 to Ex.C5 and closed his preliminary evidence.

Heard counsel for the complainant on the point of summoning of accused. Succinctly facts of the case as made out from the complaint & the preliminary evidence of the complainant are that on account of friendly terms, the accused borrowed an amount of Rs.1,00,000/- from the complainant in the month of November, 2019 and agreed to repay the same after about three months. When the complainant demanded back his amount, then in order to discharge his legal liability, the accused issued cheque Ex.C1 bearing No.027762 dated 31.01.2020 for Rs.1,00,000/- drawn on State Bank of India, Gaushala Road, Fazilka in favour of the complainant. The said cheque however, was dishonored by drawee bank on presentation through memo Ex.C2 dated 04.02.2020 with the remarks of "Funds Insufficient". Thereafter, the complainant issued a legal notice Ex.C3 dated 06.02.2020 through registered post to the accused intimating him about dishonor of cheque and requesting him to pay the amount of cheque to the complainant within fifteen days of the receipt thereof. This notice was sent to the accused as is evident from postal receipt Ex.C4 dated 07.02.2020 and the same was delivered to the accused as is evidence from tracking report Ex.C5. The present complaint was filed by the complainant on 03.03.2020, which is within the period of limitation. In view of the foregoing, there are sufficient grounds for summoning the accused for an offence under Section 138 Negotiable Instrument Act. The accused be summoned for 17.04.2020 through ordinary process as well as through registered post. Dasti summons be also given. Counsel for the complainant is directed to file SF, RC, copy of complaint etc.

In addition to it, separate notice be also sent to the accused through speed post as envisaged under Section 144 of the Act. Accused be apprised of his right of plea-bargaining as provided in Chapter 21-A of the Criminal Procedure Code on the summons sent to him.

Date of Order:-09.03.2020.
Sonu Kumar, Steno Gr.III

(Prabhjot Bhatti),
JMIC/Fazilka.
UID No.PB0635