

Bahadur Singh VS Rajinder Singh etc.

Present: Sh. Shingara Singh Advocate for the complainant.

Arguments heard on the point of summoning to accused. Brief facts of the case are that accused took a loan from the complainant. In order to discharge of his outstanding debt, the accused issued a Cheque No.134305 dated:-01.03.2021 for an amount of Rs.85,000/- in favour of the complainant, 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 in the bank, the said cheque was dishonoured on account of "Funds Insufficient" and thereafter, the complainant got issued a legal notice dated 31.05.2021 through 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.

In preliminary evidence, the complainant has tendered into evidence documents i.e. Affidavit Ex.CW1/A, Original Cheque Ex.C1, memo Ex.C2, Legal Notice Ex.C3, postal receipt Ex.C4 and close the preliminary evidence.

I have heard the learned counsel for the complainant and have gone through the file carefully.

Keeping in view of preliminary evidence of the complainant there are sufficient ground to proceed against the accused for committed an offence under Section 138 N.I.A. Let accused be summoned for 05.04.2022 on filing of PF, copy of complaint and list of witnesses.

Date of Order: 25.11.2021

Next Date: 05-04-2022

(Mahesh Kumar)
Sub Divisional Judicial Magistrate
UID NO . PB00288