

Dharmender Versus Amit Mittal

Present: Complainant in person with Shri Umesh Kumar, Advocate

The complainant examined preliminary evidence and submitted that he has established a prima-facie case that the person arrayed as accused had issued cheque Ex.P1 amounting to Rs.1,00,000/- dated 06.12.2024 in his favour. The cheque in question within a period of its validity was presented to his banker for encashment. The banker of the complainant had returned the cheque in question as dishonoured with the remarks "Cheque stopped by Drawer". The complainant had then issued a legal notice, within stipulated time of the receipt of above information to the person arrayed as accused i.e. drawer of cheque, asking him to pay the amount of the impugned cheque within a period of 15 days. Even despite the notice, the accused had not paid the amount. The complainant has also proved return memos Ex.P2 and Ex.P3, legal notice Ex.P4 and postal receipt Ex.P5. Clearly enough, there exists a prima facie case pointing that the accused had committed an offence under Section 138 of the Negotiable Instruments Act, 1881. As per direction issued by Hon'ble High Court in case **Subham Valia @ Shubham Walia Versus Sarthak Blenders & Bottlers Pvt. Ltd. and others bearing No. CRM-M-1164-2025 (O&M) decided on 13.01.2025**, this Court has conducted inquiry U/s 225 BNSS to ascertain that if there are sufficient grounds exists to proceed against the accused or not. The affidavit of complainant and other evidence are sufficient to proceed against the accused.

Now the accused be summoned for 13.08.2025 by ordinary summons and registered cover for hearing before taking cognizance on the above stated offence. Copy, PF, Registered cover, list of witnesses etc., be filed within 7 days positively. Dasti be given if so desired.

Date of Order: 12.05.2025

Anand Mishra, Executive Assistant
Class

(Dr. Mukesh Kumar)

Judicial Magistrate Ist

Nuh (UID No.HR-0457)