

CNR No: PBASA10018562022

NACT 151 of 2022

Sukhwinder Kaur vs. Gurdev Singh

Present: Complainant with Sh. P.S.Dhanoa, Advocate

CW Sukhwinder Kaur examined as CW1.

Heard on the point of summoning of the accused.

This happens to be a matter requesting the summoning of the accused for an offence punishable under ‘Section 138 of the Negotiable Instruments Act, 1881’.

Case file perused.

Factually, this allegedly happened to be a case of loan transaction *inter-se* the parties, in discharge of the liability of which, the accused allegedly issued a cheque No.000042 of 21.07.2022, for Rs.2,50,000/- drawn on HDFC Bank Ltd, VPO Chogawan, Tehsil Ajnala, District Amritsar. It was eventually dishonored twice i.e., on 22.07.2022 with remarks “Funds Insufficient” and on 07.09.2022 with remarks “Funds Insufficient”, followed by a legal notice at the behest of the complainant on 23.09.2022 and a consequent failure of the accused to respond and tender a payment within 15 days, thereof.

In the preliminary evidence, the complainant has examined herself as CW1 and had tendered on record the said documents Ex.C1 to Ex.C5. Since the accused in this case, has been asserted to have failed to make the payment of the cheque amount, despite the issuance of the legal

notice by the complainant, within the statutory period, coupled with the fact that the present complaint has been filed well within the prescribed period of limitation, I am of the considered opinion that there are sufficient grounds to proceed against the accused with respect to his liability under 'Section 138 of the Negotiable Instruments Act, 1881'.

As such, the accused in this case is ordered to be summoned under 'Section 138 of the Negotiable Instruments Act, 1881', for 24.01.2023. Before parting with this order, I would intend to add further in this order that the more detailed expression of my opinion is avoided herein, for it is no longer essential to be rendered forth at this stage, in view of the observations of Hon'ble Supreme Court of India in "**U.P Pollution Control Board vs. M/s. Mohan Meakins Ltd & Ors. 2000(3) SCC 745 (SC)**".

Summons to the accused be sent for 24.01.2023.

Pronounced in the Open Court.
Dated: 10.11.2022

Naresh Kumar, Stenographer (Grade-I)

(Ankit Airi)
Judicial Magistrate 1st Class,
Ajnala.
UID No. PB0455