

Karuna Nidhi Sharma Vs. Mukesh Kumar

Present: Complainant in person with Sh. H.K. Sharma, Advocate.

Complainant appeared before the court and tendered affidavit Ex.CW1/A and closed his preliminary evidence by making separate statement. Arguments heard. Briefly stated, the facts of the present case are that the accused had issued cheque No. 064491 dated 13.12.2018 for ₹ 1,00,000/- for the payment to the complainant in discharge of his liability. The said cheque on presentation to the banker of the accused was received back with the remarks "**Funds Insufficient**". Complainant served a legal notice for demanding the cheque amount, the receipt of which is placed on file but despite the statutory period of 30 days the notice issued to accused was not received back either served or unserved. Despite that he has failed to make the payment. Hence, the present complaint is filed against the accused under Section 138 of the Negotiable Instrument Act, 1881.

2. To substantiate the facts, the complainant himself appeared in the witness box as CW1 and testified on oath the whole story as put forth in the complaint and further has placed on record the Ex.CW1/A affidavit, Ex.C-1 to Ex.C-4.

3. Heard. On perusal of documents placed on record, it reveals that the complainant had presented the cheque in question to the banker of the accused in time and further issued notice to the accused within a period of 30 days from the date of receipt of communication about dishonoring of cheque, but still the accused failed to make payment.

4. Therefore, keeping in view the aforesaid discussion and observation, there are sufficient grounds to proceed against the accused under Section 138 of the Negotiable Instrument Act, 1881. Let, accused be summoned by all modes except publication on filing of PF, RC and copy of the complaint etc., within 7 days from today. Now, the case is adjourned to 10.12.2019. Dasti summons be given, if so desired. Long date is given due to heavy pendency of old cases.

Date of Order: 30.07.2019

Neeraj

(**Mohd. Imtiyaj Khan**)(UID HR-0533)
JMIC, Rewari.