

Gurvinder Bir Singh vs. Gurjinder Pal Singh

Nact.1052.19

Present: Sh. Jagseer singh Jassi Adv. Counsel for complainantn.

Complaint received by way of transfer. It be checked and registered. CW1 present and examined and closed its preliminary evidence.

Heard on the point of summoning. From the perusal of preliminary evidence, it prima facie appears that the accused issued cheque **Ex.C1 bearing No.000025 for the sum of Rs.2,00,000/- dated 08.08.2019**, in favour of the complainant to discharge its legal liability. Cheque was presented to the bank for encashment and upon presentation, said cheque was dishonoured by the drawee bank with the remarks “*Funds Insufficient*”, the accused failed to make the payment within the stipulated period. Therefore, having heard the arguments of the counsel for the complainant and after going through documents Ex. C1 to Ex. C10, I am of the view that a prima facie case under Section 138 of Negotiable Instruments Act is clearly made out against the accused. Because the instant case very well falls within the limitation period as prescribed under Section 138 of NI Act, therefore, finding a prima facie case under Section 138 of NI Act, I direct that the accused be summoned for 13.01.2020 on filing of copy of the complaint and the process fee.

(**Ruchi Swapan Sharma**)), PCS
JMIC/SAS Nagar
(UID No.PB-0321)

Date of order: 20.11.2019