

Present: Complainant with Kirty Sharma, Advocate.

Complaint under Section 138 of NI Act presented today. It be registered. CW-1 is present and examined in preliminary evidence. Learned counsel for the complainant closed preliminary evidence of complainant.

Heard. By way of instant complaint, complainant has sought prosecution of accused for the offence under Section 138 of Negotiable Instruments Act with the grounds that accused had issued cheque no. 000003 dated 03.12.2021 worth of Rs.80,000/-drawn on HDFC, Branch Bahadurpur in favour of complainant to discharge his debt/liability, which was dishonored by the bankers of accused and returned vide memo by bankers of complainant with the remarks of "Drawers Signature differs".Mandatory notice of 15 days under Section 138 of N.I. Act was issued, despite which accused did not make any payment.

The complainant examined himself as CW-1 and tendered his affidavit Ex CW-1/A, original cheque no. 000003 dated 03.12.2021 as Ex C-1, memo dated 06.12.2021 as Ex C-2, memo dated 28.12.2021 as Ex C-3, legal notice dated 31.12.2021 as Ex C-4 and postal receipt dated 31.12.2021 as Ex C-5.

From the unrebutted testimony of complainant, prima facie, it is apparent that accused has committed an offence under Section 138 of N.I. Act as cheque was dishonored on the ground of Drawers Signature differs. Let accused be summoned to face trial under Section 138 of Negotiable Instruments, Act on filing of PF/Copy of complaint for

07.04.2022.

Ahlmad is directed to issue notice to the accused with specific averments mentioned therein that in case accused tenders the cheque amount along with 10% costs, within period of 15 days from his appearance in the Court, the present offence would be compounded and he shall be acquitted of the offence for which he has been summoned in accordance with with judgment rendered by Supreme Court, in case tilted as **Damodar S Prabhu Vs Sayed Babalal H Criminal Appeal no. 964-966 of 2010(Arising out of SLP(Crl) NO. 6370-6372/2007)**, decided on 03.05.2010.

Pankaj Verma, PCS  
SDJM/Budhlada  
(UID PB:0314)

Date of Order : 24.01.2022  
Kanchan