

CNR No: PBFZ030084692022

CIS No: NACT/1188/2022

SHRI RAM CITY UNION FINANCE LTD VS AMANDEEP KAUR

Present: Sh. Ranvik Mehta Advocate for the complainant.

1. CW-1 Gurpreet Singh is present and examined and closed his preliminary evidence. The present complaint was filed under section 138 of N.I.Act. In preliminary evidence, complainant examined himself as CW-1 and narrated the whole sequence of events in minute details through affidavit Ex.CW1/A as got detailed by him in the written complaint. He placed on the record the documents **Ex.C1 to Ex.C5**.

2. Heard on the point of summoning of accused. In the present complaint, complainant has alleged that the accused issued cheque in question **Ex.C2** to discharge the legal liability towards the complainant, but when same were presented in the bank by the complainant for collection, the said cheque was dishonoured vide memo **Ex. C3**. The complainant served a legal notice **Ex.C4**, through post to the accused and postal receipts are **Ex.C5**, but in spite of it, the accused has failed to make the payment of the cheque amount.

3. In view of the allegations made in the complaint and evidence led by the complainant, I am of the view that there are sufficient grounds to proceed against the accused under section 138 of Negotiable Instruments Act. The detailed expression of opinion is avoided as it is no longer necessary in view of the observation of Hon'ble Supreme Court of India in **U.P Pollution Board Versus Mohan Meekan, 2000(2) RCR 421** and reiterated recently in **Deputy Chief Controller of import and export Versus Roshan Lal Aggarwal, 2003(2) RCR (CrI) 110(SC)**.

4. **Accused Amandeep Kaur** is ordered to be summoned through notice/speed post for 16.01.2023 to face trial for the offence under section 138 of Negotiable Instruments Act. Accused be apprised of his/her right of plea of bargaining as mentioned in Chapter-21A of Criminal Procedure Code, 1973, on the summons sent to him/her.

Date of Order: 29.11.2022

(Neha)

Stenographer Gr.III

(Satvir Kaur), PCS

Judicial Magistrate First Class

Ferozepur.

UID NO . PB00482