

NACT.12.19 Bhupinder Singh Vs. Chamkaur Singh

Present: Complainant with counsel Sh. K.S. Mittal, Advocate.

Complaint presented today. It be registered. The duly sworn affidavit of CW1 Sherinder Singh and CW2 Bhupinder Singh tendered in preliminary evidence. The complainant also closed the preliminary evidence today.

Heard on the question of summoning the accused. In preliminary evidence, the complainant has tendered his affidavit reiterating the allegations leveled in the complaint. He has relied upon documents i.e. pronote Ex. C1, receipt Ex. C2, original cheque Ex. C3, memos Ex. C4 & Ex. C5, legal notice Ex. C6 and postal receipt Ex. C7. It is argued by the learned counsel for the complainant that the accused issued the cheque Ex.C3 in discharge of his legal liability and the same got dishonoured with report as "Funds Insufficient". The complainant has met with the parameter of limitation and territorial jurisdiction at this stage. I am of the considered opinion that there is prima-facie sufficient material to issue process against the accused U/s 138 of Negotiable Instruments Act. The detailed expression of opinion is not given in view of the observation of Hon'ble Supreme Court of India in case law cited as **U.P Pollution Board Versus Mohan Meekan,2000(2) RCR 421** and reiterated recently in case law cited as **Deputy Chief Controller of import and export Versus Roshan Lal Aggarwal, 2003(2) RCR (Crl) 110(SC)**. Let, the accused Chamkaur Singh be summoned for 02.03.2019 on filing of PF, RC and copy of complaint within a week. Dasti summons be issued, if is required.

Date of Order: 28.01.2019
Suraj Bansal*

(Gagandeep Singh Garg)
SDJM/ Jaitu
UID No.PB0295

Next Date: 02.03.2019

Purpose:_____