

M/s Gopal Music Vs. M/s APS Motion etc.

Present: Sh. Anil Gupta for the complainant.

Complainant come present and tendered affidavit Ex. CW1/A and documents Ex.C1 to Ex.C9 in his evidence and closed his preliminary evidence.

Arguments heard. As per the version and evidence of complainant, accused issued cheque Ex.C2 & C3 in order to discharge a legally enforceable liability, in favour of the complainant, but it was dishonoured vide memo Ex.C4 & C5. The complainant served a legal registered notice Ex.C6 through post and postal receipt is Ex.C7 & C8. From the scanning of evidence available on record it is apparent that the present case has been filed within the period of limitation. Detailed expression of opinion is avoided in view of the law laid down by the Hon'ble Supreme Court in Deputy Chief Controller of Import & Export Versus Roshan Lal Aggarwal 2003 (2) RCR (Crl.) 110. In view of evidence of complainant discussed above, there are sufficient grounds to proceed against the accused under Section 138 of Negotiable Instrument Act. Therefore, accused is ordered to be summoned through speed post as well as through ordinary process for offence punishable under Section 138 of Negotiable Instruments Act, for 11.01.2022 on filing of copy of complaint. Dasti process be given if required.

Date of Order: 08.11.2021

Poonam Rani

(Sh. Taranjeet Singh)

Judicial Magistrate Ist Class

UID NO . PB00417