

1187-2023 NACT

Manjinder Singh Vs. Buta Singh

Present: Complainant with his counsel, Sh. N.P.S. Manchanda, Advocate.

On dated 05.12.2023, Manjinder Singh (complainant) and Baldev Singh were present as **CW-1**, and **CW-2** and have tendered into evidence their duly sworn affidavits **Ex.CW1/A** and **Ex.CW2/A** along with documents i.e. original cheque bearing No.042855 dated 01.09.2023 for an amount of **Rs. 3,50,000/-** drawn on HDFC Bank as **Ex.C1**, memo dated 09.10.2023 as **Ex.C2**, copy of legal notice dated 13.10.2023 as **Ex.C3**, original postal receipt as **Ex.C4** and was closed his preliminary evidence.

I have perused the complaint and the evidence on record. The complaint is within period of limitation and the documents on record in original are per se admissible under section 4 of the Bankers Book Evidence Act. Despite demand notice, the accused has not paid the cheque amount, therefore prima facie, accused has committed an offence punishable under section 138 of Negotiable Instruments Act. Further, as per the documents appended in support of version of complainant and after hearing the Ld. Counsel for complainant on point of summoning, it is required that present complaint be tried as summons trial, therefore let the accused **Buta Singh** be summoned to face trial of the offence punishable under section 138 of Negotiable Instruments Act for **19.01.2024** on filing PF/RC. Keeping in view the direction and observations of the Hon'ble Supreme Court of India in **Meters and Instruments Private Limited & Anr. Vs. Kanchan Mehta, (2018) 1 Supreme Court Cases 560**, Special summons be issued to the accused through ordinary manner, through RC as well as through e-mail on being provided by the complainant.

In furtherance of the directions of Hon'ble Supreme Court in **Damodar S. Prabhu Vs. Sayed Babalal H. (2010) 5 SCC 663**, accused is given with an opportunity to pay the cheque amount in the Court either in person or through his authorized representative or through money order or demand draft within a period of 15 days from the date of receipt of these summons or after his appearance in the Court by moving an application in this regard to compound the offence by paying the cheque amount.

Date of Order: 05.12.2023

Stenographer G-III Priyanshu

(Tanveer Singh Madhav)
Judicial Magistrate Ist Class,
Tarn Taran. (UID No.PB0488)