

Case no. 184/19
Pramod Kumar v. Ankur

30-05-2019

Case presented. The learned counsel of the complainant heard previously on summoning. Case is fixed for order today.

The facts of the complaint in brief are that complainant gave loan worth Rs. 3,00,000/- to the accused. Accused issued cheque no.000320 amounting to Rs. 3,00,000/-. The cheque was presented in Union Bank of India, Mawana Branch, Meerut. The cheque was returned with remark 'funds insufficient' on 01-01-2019. Legal Notice was sent on 28-01-2019. Based on these facts complainant has prayed for summoning of accused under section 138 of the Negotiable Instruments Act, 1881.

The complainant filed statement under section 200 CrPC with affidavit, which are in support of the complaint. In Documentary evidence, 1 original Cheque, Bank Memo, copy of registered legal notice sent by registry and receipt of post office, original registered notice.

In the case in question, the facts given in complaint are supported by the statement under section 200 CrPC and the documentary evidences. The complaint is within the jurisdiction of this court. The case is filed well within time .According to the ruling of Hon'ble Supreme Court of India in **M/s Ajeet Singh ltd. v. K. Gopala Krishnaiah** it has been held that it is not necessary to aver in the complaint that notice was served upon the accused . Therefore, prima facie case is made out against the accused under section 138 of the Negotiable Instruments Act, 1881.

ORDER

The accused person Ankur Kumar alias Monu be summoned under section 138 of the Negotiable Instruments Act, 1881 for 28-06-2019. Complainant to take necessary steps within one week and file list of witnesses. Put up on date fixed.

Judicial Magistrate
Mawana, Meerut

