

SACHIN GARG VS RAJ RANI

Present: Complainant in person and represented by proxy counsel for Sh. Deepak Kansal, Advocate.

CW1 Sachin Garg has come present and examined and closed his preliminary evidence.

2. Heard. Present complaint has been filed by the complainant under Section 138 of the Negotiable Instrument Act, 1881 whereby it has been claimed that the accused in order to discharge her liability, issued cheque No.532251 dated 14.03.2023, for a sum of ₹ 2,70,000/- drawn on Canara Bank, Branch Mansa in favour of the complainant, with the assurance that the same will be honoured on presentation. However, said cheque was dishonoured by the bank with the remarks "Payment stopped by drawer" vide memo dated 21.03.2023. Statutory legal notice dated 06.04.2023 was given by the complainant to the accused but the accused did not make the payment of the cheque amount. Hence, the present complaint has been filed.

3. In preliminary evidence, Sachin Garg, complainant stepped into the witness box as CW1 and tendered into evidence his duly sworn affidavit Ex.CW1/A and deposed on the lines of complaint. He proved original cheque Ex.C1, memo Ex.C2, legal notice Ex.C3 and postal receipt Ex.C4.

4. From the evidence led by the complainant in the preliminary evidence there are sufficient grounds to proceed against the accused for committing the offence under section

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138 of the Negotiable Instruments Act as the accused issued cheque in question to discharge her liability but same was returned by the bank unpaid mentioning remarks "Payment stopped by drawer" within the meaning of section 138 of Negotiable Instruments Act and despite issuance of the legal notice the amount was not paid. Hence the accused is ordered to be summoned to face trial for the committing the offence under section 138 of Negotiable Instruments Act. Let the accused be summoned for 04.08.2023 on filing of PF, RC through speed post, copies of complaint, within 7 days. Dasti summons be also taken.

Date of order: 26.05.2023
Parveen Kumar

(Surabhi Prashar), PCS,
Chief Judicial Magistrate,
Mansa/UID No.PB0308