

O.B.C Vs. Sonu

CNR No.PBKPA1-005814-2017

Present: Attorney of complainant with counsel Sh. Sanjeev Agnihotri, Advocate.

One witness Nasib Chand (CW-1) is present and tender into preliminary evidence his affidavit Ex.CW1/A alongwith documents Ex.C1 to Ex.C9 and closed his preliminary evidence. Arguments heard on the point of summoning. Briefly stated, the facts of present complaint are that accused against his existing liability, had issued one cheque bearing No.846035 dated 07.08..2017 for a sum of ₹70,000/- with the assurance that the same would be honoured on presentation in the bank. The complainant presented the said cheque for encashment, but the same was returned dishonoured with the memo dated 7.8.2017 bearing remarks "Funds insufficient". Thereafter, legal notice dated 28.8.2017 was sent to the accused through registered post, calling upon the accused to make the payment of said cheque within stipulated period from the receipt of notice, but the accused have failed to make the payment of the cheque. In preliminary evidence, complainant tendered into evidence his affidavit Ex.CW1/A and also proved on record the several documents Ex.C1 to Ex.C9 and closed the preliminary evidence.

From the preliminary evidence led on record, there are sufficient grounds to proceed against accused Sonu for his having committed an offence punishable under section 138 of the Negotiable Instruments Act. Therefore, accused Sonu is ordered to be summoned to face trial for offence under section 138 of the Negotiable Instruments Act on filing of list of witnesses, requisite process fee, through ordinary process on filing copies of complaint, for 12.2.2018.

Pronounced in open Court:

Dated:7.12.2017.

Narinder

(Rajwant Kaur)

Sub Divisional Judicial Magistrate,
Phagwara,(UID PB-0267).

Next date:12.2.2018.

Purpose: