

In the Court of Sh.Ashish Thathai, PCS,
Sub Divisional Judicial Magistrate, Amloh.

File No.NACT131 of 18.4.2017
CRN No.PBFGA10011302017
Date of Order: 10.8.2017.

State Bank of India (previously known as State Bank of Patiala) A body corporate constituted under the State Bank of India Act 1955 having its Central Office at Madam Cama road, Nariman Point, Mumbai and one of its Local Head Office at Sector 17, Chandigarh carrying on the business of Banking and having branches at different places including one of its branch office at Guru Ki Nagri Mandi Gobindgarh, Tehsil Amloh District Fatehgarh Sahib, through its Deputy Advance manager

....Complainant

Versus.

1.Kanchan Bala wife of Shri Ashok Kumar Koira
2. Ashok Kumar Koira son of Shri Charan Dass
Both residents of House no.75-A, Mohalla Mata Rani, Khanna
2nd address
Malerkotal road, Ashok vihar, Khanna

..Accused

Complaint U/S 138 of N.I.Act

Present: Complainant with Sh. GK Garg Advocate.

ORDER

Present complaint U/S 138 of the Negotiable Instrument Act, 1881 was filed claiming that accused issued account payee cheque No.002943 dated 10.3.2017 for Rs.8,60,515.36/- drawn on State Bank of Patiala branch Khanna now as State Bank of India in favour of the complainant bank. Within statutory period, legal notice was given to the accused, but of no avail and payment was not made by the accused. Ultimately the present complaint had to be filed.

2. Complainant was directed to produce preliminary evidence to make a reasonable case enough for summoning the accused. Consequently the complainant bank brought on record copy of authority letter as Ex.C1, copy of loan application as Ex.C2, copies of appraisal/sanction, arrangement letter as Ex.C3 to Ex.C5, copy of loan agreement as Ex.C6 , copy of consent for disclosure of information as Ex.C7, copy of statement of account as Ex.C8, dishonoured cheque as Ex.C9, bank memo as Ex.C10, legal notice as Ex.C11, postal receipt as Ex.C12 to Ex.C15.

3. These documents were carefully perused and gone into. In the opinion of this court, a prima facie case appears to be made out that accused issued cheque in question to discharge the liability but same were returned by the bank unpaid mentioning 'Insufficient funds' within the meaning of section 138 of Negotiable Instruments Act. Despite legal notice , the accused failed to pay the money. Prima facie all the ingredients of section 138 of Negotiable Instruments Act have been made out. Hence the accused above mentioned in the complaint is ordered to be summoned to face trial U/S 138 of the Act for 3.11.2017 on filing PF/RC and copies of complaint within 5 days.

Dated: 10.8.2017

(Ashish Thathai, PCS)
SDJM, Amloh, UID PB-0355

Malkit Singh (J.W.(Sr.Grade)

SBI vs Kanchan Bala

Present: Complainant with Sh.GK Garg Advocate.

The complainant himself appeared as CW1 in preliminary evidence and closed his preliminary evidence.

Arguments heard. Vide my separate order of even date the accused be summoned to face the trial u/s 138 of Negotiable Instruments Act for 3.11.2017 on filing of PF/copy of complaint by ordinary process and through registered post/ speed post. Summons be given dasti. The cheque amount is heavy. This court is of the considered opinion that there is substantial cheque amount involved in this case. Thus, this court deem it fit to treat the present case as a summons case.

(Ashish Thathai)
SDJM,Amlah. UID PB-0355

Date of Order: 10.8.2017
Malkit Singh (J.W.(Sr.Grade)
Next date: 3.11.2017
Purpose:.....