

nact-131-2017

Jiwan Kumar

v/s Menka Rani etc.

Present: Counsel for the complainant Sh. Lovelish Goyal, Advocate.

Heard. Allegations against the accused is that in order to discharge his legal liabilities, accused issued a cheque no. 326087 Dated 23.10.2016 for Rs. 2,52,000/- drawn on Punjab National Bank, Gaushala Road, Abohar in favour of the complainant which on presentation through banker State Bank of India Br Gidderbaha for encashment was dishonoured vide memo dated 12.01.2017 with remarks 'Exceeds Arrangement'. Then the complainant served the accused with a legal notice on dated 13.02.2017 for calling upon him to make the payment of said cheque within 15 days, but the accused failed to do so. Hence, the present complaint.

In preliminary evidence, the complainant has tendered into evidence documents i.e. affidavit Ex. CW1/A, original cheque bearing no. 326087 dated 23.10.2016 Ex.C1, Original Memo dated 12.01.2017 Ex.C2, Copy of legal notice dated 13.02.2017 Ex.C3, Postal receipt dated 14.02.2017 Ex.C4 to Ex. C-5, original envelope returned Ex. C6 and Ex. C7, original agreement to sell copy of the same is Ex. C8 and Computer copy of receipt Ex. C9 to Ex. C11, copy of adhar card Ex. C12 and closed the preliminary evidence.

I have heard the Ld. Counsel for the complainant and have also gone through the record on judicial file. It is observed that Cheque has been dishonoured within three months of date of its issuance. Legal notice has been sent within 30days of dishonor and that complaint has been filed within one month of expiry of 15 days of presumed service of notice. In view of the said preliminary evidence led by the complainant which has gone unrebutted on the file, this court finds sufficient grounds to proceed against the accused Under Section 138 of Negotiable Instrument Act. Let the accused be summoned on filing of PF/copy of complaint for 4.08.2017.

(Harpreet Kaur)
SDJM/Gidderbaha
UID No. PB0272

Date of order:22.05.2017
(Sonia, Steno Gr. II)
Next Date: 04.08.2017
Purpose:_____