

CNR No: PBRO030005852022

CIS No: NACT-133-2022

JASWINDER SINGH VS GURJIT SINGH etc.

Present: Sh. Dheeraj Kaushal Advocate, counsel for the complainant.

An application for exemption from personal appearance of complainant moved. Heard. In view of the contents mentioned in the exemption application, personal appearance of the complainant is exempted for today only.

Arguments heard. The complainant has filed the present complaint on the allegations that the accused in order to discharge his legal liability issued cheque bearing No.237592 dated 10.12.2021 amounting to Rs.10,000/- of IDBI Bank, Shivam Complex, Ward No.2, Mohalla Shivpuri, Chandigarh-Ambala Highway, Tehsil Derabassi, Mohali, Punjab. Accordingly, the complainant presented the said cheque in his bank i.e UCO Bank, Branch Rupnagar and ICICI Bank, Branch Rupnagar for its encashment, which were received back dishonoured for the reasons "*Funds Insufficient*" vide memos dated 16.12.2021 and 20.01.2022 respectively. Thereafter, the complainant got issued a legal notice asking the accused to make the payment within a period of 15 days from the receipt of notice but the accused has not returned the amount. Hence the complainant has been constrained to file the present complaint.

In preliminary evidence, Jaswinder Singh complainant himself stepped into the witness box as CW-1 and tendered his duly sworn affidavit Ex.CW1/A alongwith documents cheque Ex.C1, return memos Ex.C2 and Ex.C3, copy of legal notice dated 12.02.2022

Ex.C4, postal receipt Ex.C5, Postal envelope Ex.C6 and closed his preliminary evidence.

From the perusal of oral and documentary evidence adduced on the file in preliminary evidence by the complainant, I find sufficient grounds to proceed against the accused under Section 138 of Negotiable Instrument Act. Accordingly, the accused is ordered to be summoned to face trial for having committed an offence U/s 138 of Negotiable Instrument Act on filing of PF, list of witnesses and copies of complaint within seven days for 11.07.2022 through ordinary process. Dasti process be issued, if desired.

Date of Order: 18-05-2022
Meenakshi

(Sarabjeet Kaur)
Judicial Magistrate - Ist Class
UID NO . PB00620