Complaint Case no. 639C of 2018

Order dated: 13/12/2022

Today is fixed for acceptance of show cause.

Both sides are present in Court by filing their respective haziras.

Ld. Counsels for the complainant and defence counsel are also present.

Today an application has been filed on behalf of the complainant under section 143A of N.I. Act.

One petition for show cause has already been filed on behalf of the complainant.

Heard. Considered.

As the cause shown in the petition is sufficient, hence accepted.

Now the case is taken up for plea.

Perused the complaint and other documents on record. Considering all these a prima facie offence U/s 138 of N.I. Act is made out against the accused person.

Accordingly the substance of accusation U/s. 138 of N.I. Act to the effect that "you accused had taken a friendly loan of Rs. 6,50,000/- from the complainant and to discharge of your legal liability, issued one cheque being no.024917 dated 01/08/2018 amounting to Rs.6,50,000/- drawn on ICICI Bank, Dum Dum Branch, Kolkata which was placed for encashment by the complainant with his banker i.e State Bank of India, Bally Branch but the cheque was dishonored due to "insufficiency of fund" with cheque return memo dated 03/08/2018 and thereafter the complainant sent lawyer's demand notice dated 28/08/2018 to you by claiming payment of the dishonored cheque amount and you received the same on 29/08/2018 but within 15 days from the date of service of the said notice you did not make any payment and accordingly you are liable under the aforesaid accusation" is read over and explained to accused person to which he pleaded not guilty by saying "Ami nirdosh" and claims to be tried.

Fix 18/01/2023 for hearing of the petition under section 143A of N.I. Act, WO if any in the meantime.

D/C by me

J.M. 3rd Court, Howrah

Yesmin Ara Khatun, (JO Code WB01335)

J.M. 3rd Court, Howrah