

CNR No:PBFZ030067472024 **CASE No:NACT-1339-2024**

The Ferozepur Central Coopertive Bank Limited Vs GURMIT KAUR

Present: Sh. Amarjeet Singh Sandhu, Advocate for the complainant.

Ld. counsel for complainant has moved an application for substituting the name of the present Branch Manager namely Sh. Kulwant Singh and to allow him to pursue the present complaint on the ground that previous manager namely Sh. Satnam Singh has since been transferred. Heard. In view of the averments of the application, permission is hereby granted to the complainant bank to pursue the present complaint through **Sh. Kulwant Singh, Branch Manager.**

CW1 Kulwant Singh is present and examined and he has closed his preliminary evidence.

Arguments on the point of summoning heard. Complainant has stepped into the witness box as CW1 and narrated the whole sequence of events in minute details through affidavit **EX.CW1/A** as got detailed by him in the written complaint. He placed on the record the documents **Ex.C1 to Ex.C11.**

The complainant instituted the present complaint u/s 138 of Negotiable Instruments Act, on the allegations that the accused issued cheque in question **Ex.C2** to discharge the legal liability towards the complainant, but when same was presented in the bank by the complainant for collection, the said cheque was dishonoured vide memo **Ex.C3**. The complainant served a legal notice **Ex.C4**, through post to the accused and postal receipt is **Ex.C5** but inspite of it, the accused has failed to make the payment of the cheque amount.

In view of the allegations made in the complaint and evidence led by the complainant, I am of the view that there are

sufficient grounds to proceed against the accused under section 138 of Negotiable Instruments Act. The detailed expression of opinion is avoided as it is no longer necessary in view of the observation of Hon'ble Supreme Court of India in **U.P Pollution Board Versus Mohan Meekan,2000(2) RCR 421** and reiterated recently in **Deputy Chief Controller of import and export Versus Roshan Lal Aggarwal, 2003(2) RCR (Crl) 110(SC)**.

Accused **Gurmit Kaur** is ordered to be summoned to face trial for the offence under section 138 of Negotiable Instruments Act on filing of PF/RC/AD and copy of complaint within 3 days as well as through ordinary process for **20.11.2025**. In addition to it, separate notice be also sent to the accused through registered cover as envisaged under section 144 of the Act. Accused be apprised of his/her right of plea of bargaining as mentioned in Chapter-23 of Bharatiya Nagarik Suraksha Sanhita, 2023, on the summons sent to him/her. Dasti be given if requested.

Date of Order: 16.09.2025
(Manpreeti)

(Gurinder Pal Singh)
JMIC/FZR
UID No.PB 0483