

NACT 103 2023 Pardeep Bhatia vs Gurmeet Singh

Present: Complainant with Sh. H.S Bhalmajra, Adv.,

Complainant Pardeep Bhatia has tendered affidavit Ex. CW1/A alongwith documents and has closed the preliminary evidence.

Arguments on the point of summoning have been heard. In the preliminary evidence, the complainant has tendered his affidavit Ex. CW1/A along with requisite documents i.e. original cheque bearing no. 089508 dated 18.11.2022 amounting to Rs.30,000/- Ex. C1, memo dated Ex.C2, legal notice dated 13.02.2023 Ex. C3, postal receipt dated 13.02.2023 Ex. C4 and he closed the same. The complaint is well within the limitation. There is prima facie sufficient material to issue process against the accused u/s 138 of Negotiable Instruments Acts.

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 Control Board vs. M/s. Mohan Meakins Ltd., (SC) 2000 (2) RCR (Criminal) 421*** wherein it has been held that “6. In a recent decision of the Supreme Court it has been pointed out that the legislature has stressed the need to record reasons in certain situations such as dismissal of a complaint without issuing process.

Accordingly, the accused be summoned for 05.06.2023 on filing

of PF, RC and copy of complaint within a week. Accused be summoned through ordinary process as well as through registered post on filing of registered covers within three days. Dasti summons be given if desired.

Date of order: 03.04.2023

Heena

(Dipti Goyal),
CJ (SD)-cum-ACJM,
Fatehgarh Sahib.
UID No. PB0300