

CC No. 1839-2019

15.01.2019

Fresh case received by way of assignment. It be checked and registered.

Present: Complainant with Ld. Counsel Ms. Lipika Mahajan.

Complainant has tendered on record his evidence by way of affidavit Ex. CW-1/A along with the documents Ex. CW-1/1(OSR), Ex. CW-1/3 & Ex. CW-1/4(colly). Ex. CW-1/2 is de-exhibited and same is now marked as Mark 'A'. Complainant has also closed his preliminary evidence.

I have perused the record and heard the counsel for complainant on the point of summoning of accused.

Present complaint is based upon the allegation that the accused issued the cheque in question in discharge of legal liabilities as mentioned in the complaint. When the aforesaid cheque was presented for encashment same was received back dishonoured. Legal notice was issued but despite the service of the same accused failed to make the payment within the stipulated period. Complainant has filed on record the original cheque, return memo, legal notice and postal receipt.

From the documents on record and the affidavit Ex. CW-1/A filed on behalf of the complainant, prima facie a case under Section 138 Negotiable Instrument Act, is made out against the accused.

Accordingly, accused be summoned on PF, RC and speed post, to be returnable on 06.03.2019. Steps be taken within 15 days hereof.

If the accused is not found at the stated address, summons be also served by way of affixation. Process server is directed to get the photograph of affixed summons and submit the same along with the report.

(PRIYANKA RAJPOOT)
MM, N/W, ROHINI, DELHI
15.01.2019