

Harish Vs. Rajpal COMA 02

Present: Complainant in person with Sh. Dinesh Mudgil, advocate.

Arguments heard. File perused.

2. It is alleged in the complaint that the accused issued two cheques bearing nos. 603784 and 603783 dated 05.11.2017, for an amount of Rs. 1,65,000/- each drawn on Canara Bank, Branch Ganaur, Distt. Sonipat in discharge of his legal liability. On presentation, for encashment by the complainant to its banker, Oriental Bank of Commerce, Ganaur, it got dishonoured with remarks "Funds insufficient". Thereafter, on receipt of memorandum, legal notice dated 04.12.2017, was issued by the complainant to accused but, inspite of notice, amount of cheques were not paid. Hence, this complaint.
3. In support of this complaint, complainant appeared in the witness box as CW.1, and tendered his affidavit Ex.CW1/A. He also proved documents from Ex.C-1 to Ex.C-9 i.e. cheques in dispute, return memos, copies of letter, legal notice and postal receipt etc..
4. Arguments advanced by learned advocate for the complainant has been heard and case file has been perused.
5. After going through the case file, a prima facie case is made out to summon the accused under Section 138 of Negotiable instrument Act, 1881. Accordingly, it is ordered that the accused be summoned under section 138 of the Negotiable Instruments Act on filing of PF (one time), copy of complaint and other relevant documents etc. for 23.05.2018.

Pronounced in open court,
07.03.2018

(Amit Sharma)
Sub Divisional Judicial Magistrate,
Ganaur
UID No. HR0281

Date of Order: 07.03.2018
Manish Kumar
Next date of hearing: 23.05.2018
Purpose: _____