

Chanpreet Vs. Harpal Singh

Present: Complainant with counsel Sh. BS Bath, Advocate.

Counsel for complainant suffered statement that he withdraw his application filed for condonation of delay. In view of circumstances, that application is hereby dismissed as withdrawn.

Heard on point of summoning. Complainant relied upon law laid down in case titled as “Aruna Kumar Vs. State of Uttaranchal & others” 2013 (suppl) law digital. in 001(Uttarakhand).

From the perusal of the preliminary evidence, it prima facie appears that accused issued cheque **Ex. C1** in favour of complainant to discharge his legal liability. Cheque was presented to the bank for encashment but the drawee bank returned the same with the remarks “**Fund Insufficient**”, vide memo **Ex. C2**. Within the stipulated period, legal notice **Ex. C3** was served upon the accused vide postal receipt **Ex.C4** despite of which, accused failed to make the payment within the stipulated period. There are sufficient grounds to issue the process against the accused for commission of offence punishable under Section 138 of Negotiable Instruments Act. Therefore, accused be summoned to face trial under Section 138 of Negotiable Instruments Act for 23.05.2019 through ordinary process as well as registered post, on filing of PF/Speed post cover, list of witnesses and copies of complaint within seven working days.

Dated: 06.03.2019
Parkash Singh Rawat

(R.P. Singh Cheema
SDJM-ACJSD/BBS/06.03.2019