

Present: Complainant with counsel Sh. Vikas Sood, Adv.,

Complaint received by way of Judicial Suvidha Centre. It be checked and registered. CW-1 Sandeep Kumar is present and examined and thereafter, complainant closed his preliminary evidence.

Heard. Complainant has stepped into the witness box as CW1 and narrated the whole sequence of events in minute details through affidavit **EX.CA** as detailed by him/her in the written complaint. He/She placed on the record the documents, i.e., **Ex.C1 to Ex.C5**.

After perusing the statement of CW1 and the documents placed on record by his/her in support of him/her submissions, it prima facie appears that the cheque **Ex. C2** bearing no. 015184 dated 23.10.2017 for a sum of Rs. 62808/- issued by accused in favor of the complainant for discharge of his legal liability, was presented by complainant within the prescribed period. However, the same was returned unpaid vide memo Ex. C3 dated 25.10.2017 on ground of “Insufficient Funds” and copy of legal notice Ex. C4 dated 15.11.2017 was issued vide postal receipt dated 16.11.2017 Ex.C5 but accused intentionally did not receive the same. Despite notice, the accused failed to make payment within the stipulated period of 15 days. The complaint has been presented well within the period of limitation. As such, I find that there are sufficient grounds to proceed against the accused under section 138 of the Negotiable Instruments Act. Accordingly, **accused Manoj Kumar, is** ordered to be summoned to face trial for the above said offence on filing of PF/RC/AD and copy of complaint within 3 days for 26.02.2018. 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-21A of Criminal Procedure Code, 1973, on the summons sent to him/her.

Dated: 02.01.2018

Supreet Kaur,PCS

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JMIC/Jalandhar

Next date:26.02.2018

UID/PB0370

Purpose: _____