

Bhagat Singh Vs Darbara Singh.

NACT-128-2021.
CNR NO. PBBR03-001563-2021.

Present: Complainant with counsel Sh. KA Kapil, Advocate.

Complainant Bhagat Singh appeared as CW1 and tendered his duly sworn affidavit in his preliminary evidence and thereby closed the same.

Heard. On point of summoning. Complainant while appearing as CW1 reiterated the whole sequence of event in minute details through his duly sworn affidavit **Ex.CW-1/A**, as got detailed by his in written complaint. He also proved on record various documents i.e. original cheque, Original memo, copy of legal notice, original postal receipt, reply to notice etc. as **Ex.C1 to Ex.C5**. Accused failed to make the payment of the cheque amount despite the issuance of the notice with in the statutory period. Present complaint has been filed with in the prescribed period of limitation. Thus, from perusal of the complaint and the documents on record, it is clear that there exists sufficient grounds to proceed further against the present accused(s) regarding his/her/their liability under Section 138 of "The Negotiable Instruments Act". The detailed expression of opinion is avoided as it is no longer necessary in view of the observation of Hon'ble Supreme Court in case titled as "***U.P. Pollution Board Versus Mohan Meekan 2000 (2) R.C.R. 411***", again reiterated in "***Deputy Chief Controller of Import and Export Versus Roshan Lal Aggarwal, 2003 (2) R.C.R. (Criminal) 110***". As such, accused is/are ordered to be summoned for **14.12.2021** on filing of PF/RC/AD, speed post charges. Dasti summons also be issued if desired.

Vijay Singh Dadwal.
JMIC, Barnala.
UID No. PB0478.

Date of Order: 30.09.2021.
Deputy Singh(stenographer-III)