

Vikash Vs. Zulfiqar NACT 28-2022

Present: Complainant in person.
 Sh. P.K. Malik, counsel for complainant.

CW Vikash is present and examined and thereafter, complainant closed his preliminary evidence by making a separate statement.

Arguments heard. The present complaint has been filed by the complainant against the accused with the averments that the accused in discharge of his existing liability towards the complainant issued cheque Ex.C1. The complainant presented the above said cheque for collection but same were dishonoured with remarks 'instrument contains extraneous matter'. A legal notice was sent to the accused but despite the legal notice, the accused did not honour the cheque amount and hence, the present complaint has been filed.

In order to substantiate the allegation of the complainant, the complainant besides tendering his affidavit Ex.CW1/A has also tendered the documents Ex.C1 to Ex.C6.

After having heard the learned counsel for the complainant and after perusing the record, this court is of the considered view that in the present case, the complainant has presented the cheque in question for collection within three months of its issuance. After receipt of information regarding dishonour of the cheque, he sent a legal notice within time and the present complaint has been filed within time.

In view of above discussion, all the ingredients of Section 138 of the Negotiable Instruments Act are fulfilled and the evidence on record is sufficient to summon the accused. Therefore, the accused be summoned to face trial under Section 138 of the Negotiable Instrument Act for 30.11.2023 on filing of PF, copies of complaint etc. The accused be served through RC as well issued, if framed.

(Parveen)
ACJ(SD)/SDJM, Meham
(UID no. HR0320)
Dt. 31.08.2023

Parvesh