

CNR No: PBAS030264902022

CIS No: NACT/3840/2022

M/s JACKSO AGENCIES VS NAVDEEP SINGH etc.

Present: Sh. RAVI ARORA Advocate for the complainant.

Heard on the point of summoning. For filing a complaint under Section 138 of the NI Act, the court has to take into consideration the satisfaction of three necessary ingredients, i.e. (i) there should be legally enforceable debt against the accused; (ii) for the entire and real satisfaction of the whole amount of debt, a cheque ought to be issued from the account of the banker; and (iii) the cheque ought to be dishonoured on account of insufficiency of amount in the account. In case these three ingredients are satisfied, a complaint may be filed under Section 138 of the NI Act. As per the averments of complaint, in order to discharge the liability, accused issued cheque Ex.C1 which was returned back vide memo Ex.C2. Despite issuance of legal notice Ex.C3. Accused has failed to make the payment of the cheque amount despite the issuance of the notice within the statutory period. Complaint is within limitation.

A detailed discussion qua summoning of accused is not warranted, in view of the judgment ***Bhushan Kumar and Another v. State (NCT of Delhi) and Another, Criminal Appeal No. 612/2012 and U.P. Pollution Control Board vs. Dr. Bhupendra Kumar Modi & Anr., (2009) 2 SCC 147.***

In view of observation above made, accused is ordered to be summoned for 16.12.2022 on filing PF charges.

Date of Order: 06.12.2022
Priyanka Stenographer Gr.III

(Tushar Kaur Thind)
Judicial Magistrate First Class
UID NO . PB00466