

## Shriram Finance Vs. Ajay

NACT-490-2023

Present: Sh. Paramjeet Singh Chhoker, counsel for complainant.

Post enquiry, arguments on the point of summoning of the accused heard. The present complaint has been filed by the complainant with the allegations under Section 138 of Negotiable Instrument Act.

2- In order to prove his allegations, the complainant himself stepped in the witness box and got recorded his statement as CW1. Thereafter, complainant has closed the preliminary evidence. The complainant has produced the documents: copy of certificate of stamp duty as Ex. C-1, copy of account statement as Ex. C-2, original cheque bearing No. 670592 dated 28.11.2022 amounting to Rs. 57,000/- as Ex. C-3, bank return memos as Ex. C-4 & C-5, legal notice dated 30.12.2022 as Ex. C-6, postal receipt as Ex. C-7, legal notice dated 06.03.2023 as Ex. C-8 and postal receipt as Ex. C-9.

3- A perusal of oral as well as documentary evidence produced by the complainant shows that there are sufficient grounds for proceedings against the accused under Section 138 of Negotiable Instrument Act. As per law laid down in **U.P Pollution Board Versus Mohan Meakans Ltd. 2002(1) RCR (Civil)-421**, there is no necessity to give reasoning or detailed discussion of evidence. Hence, the accused is ordered to be summoned through ordinary process (*including dasti summons, if required*) / Registered cover / Speed post / affixation ( and E.Mail if the complainant furnishes duly verified E.Mail I.D of the accused) in due compliance with provisions of Section 204 Cr.P.C 1973 & Section 144 Negotiable Instruments Act 1881 for effective & expeditious service of process, under Section 138 of Negotiable Instrument Act for **06.03.2024**, on filing of PF, RC and copy of complaint.

**Date of Order : 07.02.2024**

Typed by : Suman Rani (Stgr. Gr.II)

**(Avinash Yadav)**

**Judicial Magistrate 1st Class,  
Bhiwani/(UID:HR0443)**