



27/10/10

In the Court of Shri C.L.Mohal, Addl. Chief Judicial Magistrate,
Jagadhri.

M/s Aggarwal Enterprises, Gauri Shankar Link Road, Jagadhri
through its proprietor Shri Akhil Kumar.

....Complainant

Vs.

1.M/s Sudan Marble Centre, near Bhatia Building,
Jagadhri Road, Yamuna nagar through its partner
Shri Dilbag Singh.

2.Dilbag Singh ✓

3.Paramjit Singh ✓

both partners of M/s Sudan Marble Centre, near Bhatia
Building, Jagadhri Road, Yamuna nagar.

.....Accused

Complaint under section 138, 141, 142 of
The Negotiable Instruments Act, as amended
upto date.

P.S.City Jagadhri

Sir,

The complainant respectfully submits as under:--

1. That the complainant has been carrying on

portray

27/10/10

miss
to read

8/11

Aggarwal

1/12

11

Paramjit

Sc

its metal business at Jagadhri and Shri Akhil Kumar is its proprietor.

2. That the accused no.1 has been carrying on its business at Jagadhri Road, Yamuna nagar and accused no.2 & 3 are its partners and are responsible and liable for the act, conduct and business of the accused no.1/firm jointly and severally.

Were in charge & responsible for conduct of business?

3. That the accused had dealings with the complainant -firm for the purchase of brass scrap worth Rs.202581-60 and in discharge of existing liability of accused no.1) towards the complainant, the accused no.2 being the partner of accused no.1 and responsible and liable for the act, conduct and business of accused no.1/firm, issued a cheque no.063555 dt.10.7.06 for Rs.2,00,000/- drawn on Punjab National Bank, Model Town, Yamuna nagar, where accused no.1 has its account no.CC-114, under his signature, in favour of the complainant.

It means he issued the cheque

4. That at the time of issuance of the aforesaid cheque, the accused had assured the complainant that accused no.1 has sufficient funds in its account to honour the cheque and that the cheque would be immediately encashed on its presentation.

was assured the cheque?

5. That as per assurance of the accused, the complainant presented the abovesaid cheque to his banker, Punjab National Bank, Khera Bazar, Jagadhri, on 10.7.2006 for collection, which was sent to the banker of the accused i.e. Punjab National Bank, Model Town, Yamuna nagar on

11.7.2006 but the same was returned dishonoured with the memo dt.11.7.2006 to the effect 'EXCEEDS ARRANGEMENT'. In fact the accused had no intention to make the payment of the aforesaid cheque to the complainant from the very beginning and they intentionally issued the cheque knowing fully well that the accused no.1 had no sufficient funds in its account to honour the said cheque.

6. That the complainant through his counsel sent a notice dt.15.7.2006 by regd.A.D.post vide postal receipts dt.15.7.2006 as well as by U.P.C.vide postal receipt dt.15.7.06 to the accused, requiring them to make the payment of the amount of the abovesaid cheque within 15 days from the date of receipt of the notice, which has been received by the accused, but inspite of the notice, the accused have not made the payment of the amount of the said cheque so far.

7. That the accused have committed offences u/sec.138,141,142 of The Negotiable Instruments Act, in the area of police station city Jagadhri, as the amount of the cheque in question was/is payable by the accused to the complainant at Jagadhri and the cheque in question was handed over by the accused to the complainant at Jagadhri, hence this Hon'ble court has the jurisdiction to entertain and try the present complaint.

8. That original cheque ,memo,notice,postal receipts are enclosed herewith for kind perusal of this Hon'ble court.

-:4:-

It is, therefore, respectfully prayed that the accused may kindly be summoned, tried and convicted according to law in the interest of justice.

M/s Aggarwal Enterprises,
Jagadhri through its prop.
Shri Akhil kumar

Dated:=17.8.2006

.....Complainant.

Through Counsel:

List of witnesses:

1. Complainant.
2. Concerned clerk of Punjab National Bank, Model Town, Yamuna nagar, banker of the accused.
3. Concerned clerk of Punjab National Bank, Khe Bazar, Jagadhri, Banker of the complainant.

complainant.