

## **Metropolitan Magistrate NI act-12, Jaipur**

**CC No. 10 of 2017**

**Date: 10/10/2017.**

Between:

Mr. Khagesh Kachhwal, s/o, Premsukh Kachhwal, age 33 years, R/o, 102 Mansarovar  
Jaipur. ....Complainant

And

Mr. Sushil Joshi, s/o Mr. Prakash Joshi, Age 40 years, R/o, 10/791 Malviya Nagar-  
302020.

### **Complaint under sec. 190 (2) of Crpc and Section 138 of Negotiable instrument Act**

Dear Sir,

Under the instructions and authority from my Client Mr. Khagesh Kachhwal, I do hereby serve notice of demand under Section 138 of the Negotiable Instrument Act, 1881:

1. That as per our Loan agreement dated 20/06/2017 amount of Rs. 2000000 /- is to be submitted by you to my client as a security deposit for personal use. (to be referred as "Loan").
2. That as per the terms of our Agreement, you issued four post dated cheque bearing no. 29561 dated 01/09/2017 of total Rs. 2000000 /- in order to discharge your liability under the agreement and Indian laws. At the time of issuing the cheque, you assured my client that the same is good for value and will be honored as and when presented.
3. The said cheque was presented on 09/09/2017 as for full amount but was dishonored through return memo on 10/09/2017 stating **Insufficient fund** drawn on HDFC Bank, Mansarovar, Jaipur.
4. That despite a number of reminders, you considerably have failed to make the payment due to my client and did not accede to the genuine request of my client. Furthermore, you started to put matter off and on, on the one pretext or the other. Now, since all the efforts made by my clients to receive what was due, my client has no other option but to get you served with the present legal notice.

5. That you have considerably failed to comply with the provisions of the law and also failed to discharge your liability from your account. Thus, you have issued cheques which are bad for value and thereafter had got the same dishonored intentionally and willfully.
6. That on account of the above facts, you are liable to be prosecuted under section 138 of the Negotiable Instrument Act, 1881 as amended up to date under which you are liable to be punished with the imprisonment which may extend to two years or with fine which may extend to twice the amount of Cheque(s) or both.
7. Cause of Action: The matter comes under ps mansarovar Jaipur.

Verification:

I, Mr. Khagesh Kachhwal, s/o, Premsukh Kachhwal, age 33 years, R/o, 102 Mansarovar Jaipur. Everything is true to my knowledge.

Jaipur. Complainant