

ORDER

The sworn statement of the complainant by way of affidavit and the original documents are produced. Perused the complaint and the original documents.

Cognizance taken.

Examined the complaint, the documents and sworn statement of the complainant filed by way of affidavit. As per the order passed in Suo Motu Writ(civil) No.3/2020 in IA No.48411/2020 dated 06.05.2020 of the Hon'ble Supreme Court, all the periods of limitation prescribed under section 138 of Negotiable Instruments Act 1881 was extended with effect from 15.03.2020 till further orders. It is further ordered that in case of limitation has expired after 15.03.2020 then the period from 15.03.2020 till the date on which the lockdown is lifted in the jurisdictional area where the dispute lies or where the cause of action arises shall be extended for a period of 15 days after the lifting of lockdown. Our Hon'ble High Court by its Notification dated 25.03.2020, 16.04.2020, 30.04.2020, 15.05.2020, 28.05.2020, 30.05.2020 and through notices on various dates extended from time to time the period of closure under section 4 of the Limitation Act, 1963 due to prevailing situation of pandemic Covid-19.

Since, the accused is stated to be residing outside the jurisdiction, I have re-inquired regarding the case. This case is based on documentary evidence. The cheque issued by the accused through his bank is in the hands of the complainant. Having regard to the special provisions contemplated under N.I. Act, I am satisfied that it is a fit case to issue process against the accused though he is residing outside the jurisdiction.

In view of the same, the mandatory provisions required for the initiation of the proceedings for the offence punishable under section 138 of N.I. Act are complied. There are sufficient grounds to proceed against the accused for the offence punishable under section 138 of NI Act. Therefore, the office shall register a criminal case against the accused for the offence punishable under section 138 of N.I. Act in Register No III.

The learned counsel appearing for the complainant submitted that the mobile number of the accused is furnished in the complaint and sought to issue summons through SMS. Hence, issue summons to the accused through SMS (CIS).

For appearance of the accused by 24.12.2021.

XVII ASCJ & ACMM, Bengaluru.