

Complainant is present and filed affidavit in lieu of sworn statement. Oath is administered. Sworn Statement of complainant is recorded and complainant examined as PW1. Ex.P.1 to Ex.P.7 and Ex.P1(a) and Ex.P5(a) are marked.

2. Perused the complaint and documents furnished on record. On

perusal of Ex.P.1 cheque dtd:28.10.2022 the same was issued in the name and favour of complainant herein. The said cheque in question was dishonoured on 10-11-2022 cheque return memo for the reason "Drawers Signature Differ". The complainant has demanded for payment of cheque amount by issuing notice dtd:29-11-2022 as per Ex.P.2 and the said notice was served on the accused on 07-12-2022 as per Ex.P.5 RPAD Acknowledgement. The present complaint has to be filed on or before 30.12.2022 However, it was filed on 14.02.2023 which is well within the period of limitation.

3. The mandatory requirements for initiation of the proceedings for the offence punishable U/sec. 138 of NI Act are complied. The complainant has made out prima-facia case and there are sufficient grounds to proceed against the accused. Accordingly, I proceed to pass the following.

ORDER

Acting U/sec. 190 of Cr.P.C. the cognizance of offence is taken.

Office is hereby directed to register the case as criminal case against the accused for the offence punishable under section 138 of N.I. Act., in Register No. III.

II Addl. Civil Judge
& JMFC., Tumakuru

Office to keep the original Cheque in safe custody.

