

MHMM180129152024



Summary Cases/5800630/2024
**MS OLYMPIA GAMES AND TOYS PVT LTD Vs.
PERIA SAMY Proprietor and Authorised
Signatory of ms ASWINI PLASTIC STORES**

**IN THE COURT OF JUDICIAL MAGISTRATE(FIRST CLASS),
58TH COURT, BANDRA, MUMBAI
ORDER BELOW EXH.1**

Read complaint and verification statement. Perused documents. Heard advocate for the complainant. Notice under section 223 of BNSS 2023 is duly served with the accused but failed to contest.

2. In view of extensive Guidelines of Hon'ble Supreme Court in the case of *Sanjabij Tari Vs. Kishor S. Borcar, 2025, SCC Online S.C. 2069 dated 25.09.2025*, there is no necessity to issue notice under section 223 of BNSS 2023.

3. Averments made in the complaint are supported by an affidavit. The cheque is issued by accused. Accused is not resident within the limits of jurisdiction of this court. However, during inquiry u/sec.225 of BNSS 2023, it reveals that cause of action has arose within the limits of jurisdiction of this court. I found prima facie substance and grounds to proceed against accused No.1 only for dishonor of cheque and failure to pay the cheque amount on demand. Hence, issue process against accused for the offence punishable u/sec.138 r/w.141 of Negotiable Instrument Act on PF.

4. Issue summons to accused alongwith the copy of the complaint, all documents and copy of affidavit of complainant's evidence with specific remarks as to liberty of accused to make an application for compounding of an offence and to pay the amount of cheque in question on the first date of hearing of the case as per the guidelines of Honourable Supreme Court.

5. Simultaneous service of summon to the accused by Dasti mode (Hamdust), electronic means that is E-mail, Messaging Application is allowed. Process R/o.16.03.2026.

Mumbai,
Dated : 03.01.2026

(M. P Saraf)
Judicial Magistrate(First Class),
58th Court, Bandra, Mumbai.
J.O.Code – MH01362

CERTIFICATE

I affirm that the contents of this P.D.F file Order are same, word to word as per the original Order.

Name of Stenographer	: Mrs. Aditi Ravikiran Dalvi
Court	: Judicial Magistrate(First Class), 58 th Court, Bandra, Mumbai.
Dictated in open court on	: 03.01.2026
Transcribed and Typed on	: 03.01.2026
Order printed and Signed on	: 03.01.2026
Order Uploaded on	: 03.01.2026