

Complainant present. Perused the records this complaint is filed U/Sec.223 of BNSS against the accused for the offence punishable U/Sec.138 of N.I.Act. Complainant present. Sworn statement of complaint is recorded. Complainant is examined as PW-1 and got marked **Ex.P-1 to P-5 and 5a**. Since the offence punishable U/Sec.138 of N.I Act which is a special enactment and contemplates to take cognizance of offence punishable U/Sec.138 as per Sec.142 of N.I.Act.

Hence, the prior notice to accused U/ Sec.223 of BNSS before taking cognizance is hereby dispensed.

Cognizance of U/sec.138 of N.I.Act is taken for sworn statement. Kept by

Heard counsel for complainant and perused the records, documents along with the complaint. Hence, for orders.

ORDER ON ISSUE OF PROCESS

The sworn statement of the complainant and the documents produced along with complaint prima-facie establishes that, the cheque in question was issued by the accused to complainant and on presentation of said cheque to the bank it was dishonored for reason **“Funds Insufficient”**, in the account of accused. Further the amount covered under the cheque was demanded by the complainant

by issuing legal notice, which is returned unserved with an endorsement '**Door Locked, returned to sender**'. As per Sec.27 of General Clauses Act, the notice to accused is taken as duly served. The accused has not complied the said notice. Further, the complaint is filed within limitation period. Therefore in view of presumption under Section 139 of N.I.Act, at this stage of the proceedings prima-facie a case is made out by the complainant against the accused for offence punishable U/Section 138 of N.I.Act. At this stage there is sufficient material and reasonable grounds to proceed against the accused for the offence punishable U/Section 138 of N.I.Act. The complainant has complied Section 227(2) of BNSS., Hence, I proceed to pass the following;

ORDER

The office is directed to register the case against the accused in Register No.III for the offence punishable U/Section 138 of Negotiable Instruments Act and issue summons to accused **along with L/A notice** through RPAD if P.F, paid, returnable by 07.03.2026.

Sd/-

Civil Judge & JMFC., Jagalur.