

PCR.719/2022

Complainant present filed his affidavit in lieu of sworn statement and examined as PW1 and got marked Ex.P1 to Ex.P8, 1(a), 5(a), 7(a). Hence for order.

It is the complaint filed under Sec. 200 Cr.P.C., alleging that, the accused has committed the offence punishable under Sec. 138 of N.I. Act.

The complainant has filed affidavit in lieu of oral sworn statement. In view of the direction issued by Honble Supreme Court in Indian Bank association Cited in AIR 2014 SC 2528, the complainant has filed affidavit by way of examination and got examined himself as P.W.1 and got marked Ex.P1 to P8, 1(a), 5(a), 7(a).

The complainant coupled with the allegation made in the complaint and the documents produced by the complainant prima-facie establishes that, the cheque in question was issued for discharge of debt. On presentation of which returned without encashment for the reason **Funds insufficient**. The amount covered under the cheque demanded by issuing notice, which is not complied by the accused. In view of presumption under Sec. 139 of N.I. Act, at this stage of the proceedings it prima-facie made out a trial case against accused for an offence punishable under Sec. 138 N.I. Act. Hence, there are reasonable grounds to proceed against the accused for trial for the said offence. Therefore, I proceed to pass following

ORDER

Office is directed to register the case against accused in Register No.III for the offence punishable under Section 138 of Negotiable Instruments Act.

CMO is directed to keep the cheque in the safe custody.

Call on 29-10-2022.

IV Addl. Civil Judge & JMFC., UDUPI.