

ORDER

The complainant has filed the affidavit as a sworn statement, as per the decision rendered by the Hon'ble Apex Court in the matter of *Indian Bank Association and others Vs Union of India and others reported in 2014 (5) S.C.C 590* and the decision rendered by the Hon'ble High Court of Karnataka in the matter of *M/s Mesh Trans Gears Pvt.Ltd V/s Dr.R.Parvatha Reddy reported in I.L.R 2014 KAR 5237*, affidavit filed by the complainant is treated as sworn statement and marked the documents as per Ex.P1 to Ex.P5.

Heard Counsel for the complainant. Perused the complaint, documents and affidavit. Upon perusing the materials on record it goes to show that the complainant prima-facie made out case against the accused for the offence punishable under section 138 of Negotiable Instrument Act and complied the provisions of Section 138(a) to (c) of N.I.Act. Further it appears that the cheque has been issued towards discharge of legally enforceable debt or other liability, further the complaint is filed in time and also filed list of witnesses. Hence this court is of the opinion that, there are sufficient materials on record to issue process against the accused. Hence I proceed to pass the following :

ORDER

Cognizance taken against the accused for the offence punishable under section 138 of N.I.Act.

Office is directed to register the case against the accused in Register No.III for the offence punishable under section 138 of NI Act and issue process to the accused.
Call on: 25.09.2025

Addl.Civil Judge & JMFC,
Arsikere