

The complainant is present and filed the affidavit-in-lieu of his sworn statement. The complainant examined on oath and got marked the documents as Ex.C-1 to C-5.

The complainant closed his side.

Heard the arguments.

In view of the judgment passed by the Hon'ble High Court of Karnataka in Crl.P.No. 101514/2025 Ashok S/o Siddappa Banakar V/s Fayajahamad Aurangajeb Naikar wherein Hon'ble lordship Amarannavar Saheb held that "Procedure of hearing the accused at the stage of taking cognizance of the complaint as prescribed in the first proviso to Sec.223 of BNSS shall not apply to the complaint made under Sec.138 of NI Act"

In view of the said judgment the issuance of notice to the accused prior to taking the cognizance is hereby dispensed.

Perused the complaint, Sworn statement, cheque and other material on record. The cheque dated 22.01.2025 No. 015903 for sum of Rs.4,00,000/- drawn on Karnataka Vikas Bank Kulageri cross Branch was issued by the accused and the complainant presented the same for clearance through the KVG Bank Branch Katageri and the said bank has issued a memo on 23.01.2025 stating that "**funds insufficient**".

A legal notice was issued on 11.02.2025 through RPAD to the accused and it was refused by him.

This complaint filed on 21.03.2025 within the period of limitation. Prima-facie it appears that the alleged act of the accused constitutes an offence punishable U/sec.138 of NI Act and there are sufficient grounds to proceed further. Therefore, the process has to be issued to secure the presence of the accused to face the trial. Hence, the following;

ORDER

Register a Criminal case against the accused for the offence punishable U/sec.138 of NI Act and issue summons to the accused, if

process fee is furnished.

R/by 02-04-2026.

Sd/-

C/c.,ACJ & JMFC, Badami
sitting at Itinerary Court Kerur