

E-filing

S.C.C. No. 11003/2026

Ms Anand Marketing

Vs

Ms Padmavati Sales

ORDER BELOW EXH.1

(Passed on 18.08.2026)

Perused the complaint (Exh.1). The vakalatnama (Exh.02) of learned Advocate of complainant is seen and filed. The list of document (Exh.03) is also seen and filed. The verification affidavit of the complainant (Exh.04) is read and recorded.

2. It is just to note that in case of ***Sanjabij Tari V/s. Kishor S. Borcar (2025 INSC 1158)***, wherein the Hon'ble apex Court clarified that proceeding under Section 138 of the Negotiable Instrument Act, 1881 governed by the special procedure, and therefore, issue of precognizance notice under Section 223 of the Bhartiya Nagrik Suraksha Sanhita, 2023 would defeat the object of speedy disposal of the cheque bounce cases and thereby it would frustrated the scheme of Negotiable Instrument ACT, 1881. As such, pre-cognizance notice is not necessary to be issued under the present case of cheque dishonour matter.

3. On the perusal of complaint, it appears that accused resides beyond the local jurisdiction of this court. However, the Hon'ble Supreme Court in ***RE: EXPEDITIOUS TRIAL OF CASES UNDER SECTION 138 OF THE NI ACT, 1881 (2021) 16 SCC 116*** clarified that the inquiry contemplating under Section 202 of the Code of Criminal Procedure, 1973 corresponding Section 225 of the Bhartiya Nagrik Suraksha Sanhita, 2023 can be dealt on the basis of documents without insisting upon examination of witnesses. Therefore, the documents placed on record including verification affidavit of the complainant are required to be looked into.

4. On perusal of the complaint, verification affidavit and documents placed below list Exh.03, it appears that there is prima facie case against the accused in respect to the commission of offence punishable under Section 138 of the Negotiable Instrument Act, 1881 and thereby process can be issued against accused. Accordingly, I pass the following order.

ORDER

- 1] Issue process against the accused in respect to commission of offence punishable under Section 138 of the Negotiable Instrument Act, 1881 vide Section 227 of the Bhartiya Nagrik Suraksha Sanhita, 2023.
- 2] The concerned Clerk to issue summons to the accused along with copy of the complaint in compliance with Section 227(3) of the Bhartiya Nagrik Suraksha Sanhita, 2023
- 3] Process be issued against accused through regular mode/RPAD mode at the expenses of the complainant.
- 4] Hamdast allowed.

Date : 18/08/2026
Place : Nagpur

(Anand Y. Borkar)
13th Additional Chief Judicial
Magistrate, Nagpur