

Order Below Exhibit - 1

1. The Complainant has filed the present complaint u/s 138 of the Negotiable Instrument Act, against the accused. It appears from the complaint that the accused resides beyond the territorial jurisdiction of this Court. And looking to the directions regarding complaint u/s 138 of N.I. Act issued in Suo Moto Writ Petition (Cri) No. 02/2020 at B of Para 2, this Court has passed an initial order to make Court Inquiry u/s 225 of B.N.S.S. below Exhibit 1 of the Complaint And as per the proviso of the section 223 of BNSS to give the Opportunity of being heard to the Accused the notice has been issued which duly served upon the accused but neither the accused or any advocate for the accused appeared before the court.

2. Thereafter, the complainant and his Ld. Advocate are present before the Court and the Complainant has filed an Affidavit vide **Ex.03** and closing pursis vide **Ex.04**. This Court has gone through the complaint It seems from the contention of the complaint that the accused is residing **Devnagar, Ta- Nadiyad, Dist- Kheda** beyond the territorial jurisdiction of this Court. But, the transactions between the parties has took place in Modasa which is the territorial jurisdiction of this Court.

3. Heard the Ld. Advocate for the Complainant and perused the complaint and other documentary evidence. Therefore, it appears from the averments made in the complaint that the transaction shown in the complaint with the accused is prima-facie believable one. After considering complaint **Criminal Enquiry No.355 of 2025** filed by the Complainant as well as the documentary evidence and considering the principles laid down by the Hon'ble Supreme Court in Writ Petition (Civil) No. 18/2013 Indian Bank Association and Ors. V/s Union Bank of India and Ors., this Court is of the view that offence u/s 138 of the N.I. Act is prima-facie made out against the present accused, in spite of the fact that the accused is residing outside the territorial jurisdiction of this Court. Hence, I pass this following order:-

-:: ORDER ::-

1. The present Criminal Inquiry is hereby disposed of.
2. It is hereby ordered and directed the Registry to register the present complaint as Criminal Case.
3. Summons to be issue to accused.

The Order is pronounced in an open Court today on this 07th Day of March, 2026.

Dt.07/03/2026

Modasa

(Lakshmi Nandwana)

2nd Addi. Chief Judicial Magistrate,
Modasa.

Code No. GJ01392