

Order below Exhibit-1

The present matter is a complaint filed under Section 138 of the Negotiable Instruments Act, 1881. Perused the record of the case. The accused in the matter is residing outside the jurisdiction of this Court. Matter was kept for verification of documents and perusal of other information.

Looking into the complaint, examination in chief on affidavit and the annexed documents, it is evident that, *prima facie*, ingredients of the offence under Section 138 of the NI Act are attracted. The complaint, the affidavit and the documents are found in order and therefore, this Court is of the view that cognizance of the offence can be taken. This court has also taken into consideration the judgement passed by the Hon'ble Supreme Court in the case of Jai Balaji Industries Ltd. V. Heg Ltd. [2025(0) AIJEL-SC 76180]. Further this court has also taken into the consideration the submission of the complaint that there has been transaction in the loan account even after the loan period. Hence, looking into the submission and the judgement of Hon'ble S.C. in K. HYMANTHI V/s. STATE OF A.P. summons under Section 227 of the Code of The Bharatiya Nagrik Suraksha Sanhita, 2023 is ordered to be issued against the accused for the offence under Section 138 of the Negotiable Instruments Act, 1881. returnable on or before Dt. 16.09.2026. Moreover, accused is hereby directed to furnish a solvent surety of Rs. 15,000/- before the Court for the purpose of securing his/her/their presence during the trial of the present complaint. Dasti summons shall also be issued with the mobile Number.

Date: 03 / 08 / 2026
Place: Junagadh

(Karn Ajit Marwaha)
Additional Civil Judge
and JMFC, Junagadh
GJ01558