

::Order Below Exhibit-1::

Scrutinized the record.

Read the complaint and the documents filed along with the complaint. The court issued the notice to the accused to appear before the court and to answer the accusation made in the complaint. The accused and the learned advocate for the accused appeared before the court. According to the provision of Section 223 of the Bhartiya Nagrik Suraksha Sanhita, 2023. The proviso to Section 223 of the Bhartiya Nagrik Suraksha Sanhita, 2023 provides that-

"Provided that no Cognizance of an offence shall be taken by the magistrate without giving the accused an opportunity of being heard"

The court issued the notice to the accused for appearance. The notice served on the accused but the accused did not appear before the court even after the service of notice. Non-appearance before the court shows that the accused is not willing to avail his opportunity.

Therefore, the necessary requirement mentioned in Section 223 of the Bhartiya Nagrik Suraksha Sanhita, 2023 has been followed by the court. Hence, this Court is inclined to pass the below-mentioned order upon the complaint.

::Order::

1. The process under Section 227 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is ordered to be issued against the accused for the offence under Section-138 of the Negotiable Instrument Act.
2. This Criminal Inquiry is disposed of and the complaint is ordered to be registered as the Criminal Case. The next date of hearing is 05/10/2024.

Date: 24/09/2024
Place: Patan

Yadavendra
24-09-24
2nd Addl. Judi. Magi. First Class
Patan.
JO Code-GJ01729

