

ORDERS

This is a private complainant filed by the complainant against the accused for the offence punishable U/Sec 138 R/W 142 of Negotiable Instrument Act.

Heard the learned counsel for the complainant and perused entire materials available all record.

As per the documents, Cheque is presented on 01.04.2022 and Bank Endorsement dtd:20.06.2022, thereafter Legal Notice is issued on 05.07.2022, same was served on 12.07.2022 and the complaint is filed on 12.08.2022, which is within period of limitation as contemplated U/Sec.138 of N.I. Act.

The sworn statement of complainant has recorded and accordingly, he has examined as CW1 and got marked Ex.C-1 to Ex.C-11. Hence, it prima facie appears that the complainant has complied all the mandatory requirements of the section 138 of Negotiable instrument act which clearly goes to show that the complainant has made out prima facie case to proceed against the accused for the alleged offence U/Sec.138 R/w Sec.142 of NI Act. Accordingly I proceed to pass the following:

ORDER

Acting U/sec.200 of Cr.P.C. cognizance is hereby taken against the accused for the offence punishable U/Sec.138 R/w Sec.142 of NI Act.

Accordingly office is directed to register the case in Criminal Case against the accused for the offence punishable U/Sec.138 R/W 142 of NI Act.

The learned counsel appearing for the complainant submitted the mobile number of the accused and sought to issue summons through SMS. Hence, issue summons to the accused through SMS (CIS) and also issue SS to the accused through RPAD if required PF paid.

Returnable by: 30.10.2023.

XVII ASCJ & ACMM, Bengaluru.