

ORDER ON WITHDRAWAL MEMO

The complainant has filed this complaint against the accused for the offence punishable U/sec.138 of NI Act by alleging that the accused being the proprietor of Muneshwara Water supply and availed commercial equipment loan from the complainant and issued a cheque for a sum of Rs.1,38,947/- drawn on Karnataka Bank Ltd., in favour of the complainant towards repayment of balance amount and the complainant has presented the cheque for encashment on request of the accused and the same has been returned with an endorsement stating that "Funds insufficient" and in this regard the complainant issued a notice on 04.09.2018 calling upon the accused to repay the cheque amount and the accused has not repaid the same. Hence, this complaint.

The accused appeared through his counsel and he is on bail. Plea recorded and he has not pleaded guilty and claimed to be tried. During the course of the evidence, the complainant has filed memo for withdrawal of the case.

The memo filed by the complainant shows that the complainant has received entire cheque amount and he requires permission to withdraw the case.

After considering all the facts and circumstances of the case I come to conclusion that the complainant has received entire cheque amount and therefore it is just and fair to permit the complainant to withdraw the case and according I pass the following;

O R D E R

Acting U/sec.257 of Cr.PC the complainant is permitted to withdraw the case and consequently, the accused is acquitted for the offence punishable U/sec.138 of NI Act.

The Bail bond and surety bond stands cancelled.

Office to refund cash surety sum of Rs.2,000/- to the accused after taking proper identification.

(Mohamed Arifulla.C.F)
XI Addl. SCF & ACMM
Bengaluru.