

ORDERS ON COGNIZANCE

The present complaint is filed u/s 223 of BNSS seeking criminal action against the accused for the commission of offence punishable under Section 138 of Negotiable Instruments Act.

Perused the materials on record.

The cheque, Bank endorsement, legal notice, postal receipt, acknowledgment and averments of complaint discloses commission of offence punishable under Section 138 of Negotiable Instruments Act.

The complainant has furnished his sworn statement by way of affidavit and he is examined as P.W.1 and the documents are marked as Ex.P.1 to P-5.

The materials available on record discloses that the accused had issued Ex.P-1 cheque bearing No. 612523 dated 25/03/2026 for Rs. 1,29,500/- in favour of the complainant.

*When the complainant presented the said cheque through his banker, the said cheque came to be dishonored on 26/03/2026 with an endorsement as **"Funds Insufficient"** as per Ex.P.2.*

Thereafter, the complainant has issued the legal notice on 10-04-2026 and the said notice is duly served to the accused and postal acknowledgment is marked as Ex.P-5. But the accused has not paid cheque amount to the complainant.

It is alleged that the accused has failed to pay the cheque amount to the complainant.

On enquiry conducted by this court as per Sec.225 of BNSS, by examining the complainant and considering the materials placed on record by the complainant, there are sufficient materials to proceed against the accused.

The complaint is filed within the limitation as provided under section 138 of NI Act.

The complainant has complied with all the mandatory requirements of Section 138 of N.I Act to maintain the complaint against the accused.

*The complainant has made out a prima-facie case for the offence punishable under section 138 of N.I Act against the accused. Considering the decision and the principles and directions laid down by the Hon'ble Supreme Court in the case of **Indian bank Association and others V/s Union of India**, reported in (2014)5 SCC 590 the cognizance is taken. Accordingly, I proceed to pass following -*

ORDER

The cognizance for the offence punishable u/s 138 of NI Act is taken.

Office is hereby directed to register the case as criminal case in Register No.III and issue summons to the accused by RPAD, if process fee, postage and copy of the complaint is furnished , returnable by : 20/08/2026

(Shri. Aditya R. Kalal)
Civil Judge and JMFC, Hukkeri

PC No.318/2026

Chandrkant Babu Akkatangerhal Age 39 Occ Business R/o
Hosur Tq Hukkeri Dist Belagavi