

Complainant is present and has filed his affidavit in lieu of his sworn statement.

Equired.

The complainant is examined as P.W.1 and he has got produced Ex.P-1 to P-9 documents.

Heard the learned Advocate for the complainant.

For orders:

ORDERS ON COGNIZANCE

The present complaint is filed u/s 223 of BNSS seeking criminal action against the accused persons 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 receipts, acknowledgments and averments of complaint discloses commission of offence punishable under Section 138 of Negotiable Instruments Act.

The complainant has furnished her sworn statement by way of affidavit and she is examined as P.W.1 and the documents are marked as Ex.P.1 to P-9.

The materials available on record discloses that the accused persons have issued Ex.P-1 cheque bearing No.000190 dated 31/01/2026 for Rs. 3,50,000/- in favour of the complainant.

*When the complainant presented the said cheque through his banker, the said cheque came to be dishonored on 19/03/2026 with an endorsement as **"Funds Insufficient"** as per Ex.P.2.*

Thereafter, the complainant has issued the legal notice on 31-03-2026 and the said notice is duly served to the accused persons and postal receipts are marked as Ex.P-6 and 7. But the accused persons have not paid cheque amount to the complainant.

It is alleged that the accused have 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 persons.

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 persons.

*The complainant has made out a prima-facie case for the offence punishable under section 138 of N.I Act against the accused persons. 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 No. 1 and 2 by RPAD, if process fee, postage and copy of the complaint is furnished, returnable by: 11/09/2026

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