

Order on cognizance

Complainant is present and filed sworn statement and examined as PW 1 and got marked Ex.P1 to Ex.P5.

Heard L/C/complainant.

The Honorable High Court of Karnataka, Bengaluru in Criminal Petition No. 101514/2025 dated 28.04.2025 held that, giving opportunity to the accused before taking cognizance is need not necessary. Hence, issueance of notice to accused before taking cognizance is does not arise.

This is a private complaint filed by the complainant under Section 223 of BNSS for the offence punishable under section 138 of Negotiable Instrument Act. Perused the materials available on record. There are sufficient grounds to proceed against the accused for offence P/U/Sec. 138 of N.I.Act. Hence, cognizance is taken for offence P/U/Sec. 138 of N.I.Act against the accused.

2. After the institution of the complaint, this case is registered as private complaint and recorded the sworn statement of complainant and got marked Ex.P-1 to 5 i.e., cheques, endorsements, legal notice and postal receipts and acknowledgement and

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same are marked as Ex.P-1 to Ex.P-5.

3. On perusal of the complaint, sworn statement and case records, I am of the opinion that, the complainant has made out the prima facie case to issue process against the accused for the offence punishable under section 138 of Negotiable Instrument Act. Hence, I proceed to pass the following

ORDER

Register a criminal case against the accused for the offence punishable under section 138 of Negotiable Instrument Act and to issue summons to the accused through RPAD if PF and P/C paid.

Returnable by 08.07.2026

**Civil Judge and J.M.F.C.
Kittur.**