

Complainant present and examined as PW-1 by way of filing affidavit in lieu of his Sworn Statement and exhibits marked. Heard arguments of complainant counsel.

Adv for complainant filed private complaint along with documents U/Sec. 223 of BNSS of 2023 against accused for the offence punishable U/Sec. 138 of N.I. Act.

The cheque bears the amount. Perused the complaint along with documents produced by complainant and satisfied.

The the Honb'le High Court of Karnataka in Crl.P.No.7526/2024 clearly held that ***“after examination complainant on oath (sworn statement) the substance of such examination should be reduced into writing. The question of taking cognizance would not arise at this Juncture. The Magistrate has took, in terms of the pravisio, issue a notice to the accused who is given an opportunity of being heard. Therefore, notice shall be issued to the accused at that stage and after hearing the accused, the cognizance and regulate his procedure thereafter”.***

Hence, issue notice to accused on PC, if PF paid.

Sd/-

C.J. & JMFC, Mudalagi.