

E-filed

Order below Exhibit 1

Perused the complaint, verification statement of the complainant and filed documents. Heard learned advocate for the complainant. I have conducted inquiry under section 225 of BNSS on the basis of contents of the complaint, affidavit of the complainant and documents filed by him/authorised officer of the complainant. After considering the above material, I find that the complainant has made out prima-facie case to proceed against the accused under section 138 of the Negotiable Instruments Act, 1881 (N.I.Act for short).

In the case of *Ashok v. Fayaz Aahmad* Neutral Citation: 2025:KHC-D:6966, it is held by Hon'ble Karnataka High Court that, "*the Negotiable Instruments Act has prescribed a special procedure*" and that the "*procedure of hearing the accused at the stage of taking cognizance as prescribed in the proviso to Section 223 BNSS shall not apply to complaints under Section 138 of the N.I. Act, 1881.*" Hence, there is no need to issue notice to the accused before taking cognizance. Accordingly, issue summons to the accused for the offence punishable under section 138 of the N.I.Act by speed post humdast on PF.

Dated : 03-07-2026

(Ashwin V. Dakhore)
26th C.J.S.D. & A.C.J.M.,
Nagpur.