

**Daily Status**

**In the Court of** :ADDL.CIVIL JUDGE AND JMFC HUNGUND

**Case No.** :P.C.R./0000180/2024

Shanteshwar Vividoddesh Sahakari Sangh Nyt Horti, Br,Ilkal r/by is manager Kirankumar Hunawad Vs Jakeer Husen s/o.Mohammad Yaseen Badekatal

**Date** : 03-02-2025

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**Business** : Complainant absent. Advocate for complainant present. Heard the L/Counsel for complainant. Order FOR issue of process It is the complaint filed U/Section 200 of Cr.P.C., alleging that, the accused has committed the offence punishable U/Section 138 of N.I.Act. The Complainant is examined on oath. The sworn statement of the complainant coupled with the allegation that the complainant and the documents produced by the complainant prima-facie establishes that the cheque in question was issued by the accused to the complainant towards discharge of legally debt. On presentation to the bank it was returned without encasement for the reason &ldquo;Funds Insufficient&rdquo;. The amount covered under the cheque was demanded by the complainant by issuing notice, which is not complied by the accused. In view of presumption under Section 139 of N.I.Act, at this stage of the proceedings it prima-facie made out a trial case against accused for an offence punishable U/Section 138 N.I.Act. On going through the complaint averments and circumstance of case it appears to this court that the nature of the case is such that sentence of imprisonment for a term exceeding one year may have to be imposed. Thus if the accused is tried summarily it may not be possible to award compensation out of the fine amount that may be imposed. Therefore it is undesirable to try this case summarily. Further if this case is tried summarily the evidence recorded by me cannot be acted upon by my successor-in-office in view of bar under Sec.365 of B.N.SS Act 2023. Hence, at this stage prima-facie there is sufficient material and reasonable grounds to proceed against the accused for his trail for the said offence U/Section 138 of N.I.Act. Hence, cognizance of offence under Section 138 o N.I.Act against the accused is taken. The complainant has complied the Section 227(2) of BNSS Act 2023. Therefore, I proceed to pass the following; ORDER The case is converted in to summons case. The Office is directed to register the case against accused in Register No.III for the offence punishable U/Section 138 of Negotiable Instruments Act. Issue summons to accused, if PF is paid. R/by 23-04-2025

**Nature of Disposal** : REGISTERED AS CC  
**Disposal Date** : 03-02-2025

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