

Complainant is present. Advocate for complainant filed an affidavit in lieu of sworn statement. Allowed. The sworn statement will be considered as examination in chief after the appearance of accused as per the guidelines of Indian Bank Association Case. Hence, the complainant is put to witness box now and is examined as Pw1 instead of Cw1 and documents are marked in 'P' series now itself in order to avoid remarking of the same documents and for speedy disposal. Exp1 to Ex.P 5 are marked. Heard from the counsel for the complainant.

ORDER

The complainant has filed this complaint u/s 223 of BNSS, against the accused for the offence punishable u/s 138 NI Act.

Complainant is present and files his affidavit in lieu of sworn statement. Exp1 to Exp 5 are marked. On scrutinizing the complainant and the documents produced before me, I found sufficient materials to proceed against the accused for the offence punishable u/s 138 NI Act.

On perusal of complaint averments and circumstances of the case, it appears to this court that, the nature of the case is such that the sentence of imprisonment for a term exceeding one year may have to be imposed. If the accused persons are tried summarily it may not be possible to award compensation or 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 which is recorded by me cannot be acted upon by my successor in view of the bar u/s 326 of BNSS. In the result, I proceed to pass the following:

ORDER

The case is converted to summons case.

Register the case as CC in register No.III C.C.R against the accused for the offence punishable u/s 138 NI Act.

Issue summons to the accused person through RPAD, if PF and RPAD are furnished, calling upon him if he intends to plead guilty or has any defense to make on his behalf. R/by

Sd/-
I Addl. Civil Judge & JMFC,
Nelamangala.