

KABK200012202022



Presented on : 14-10-2022
Registered on : 14-10-2022
Decided on : 20-12-2022
Duration : 0 years, 2 months, 6 days

IN THE COURT OF
Sr.Civil Judge and JMFC.,Mudhol
AT Mudhol,BAGALKOT
(Presided Over by SRI RAJENDRAKUMAR.K.M.)
P.C.R./285/2022

Complainant:
Devappa S/o Siddappa Gadade
R/o Mudhol, Tq Mudhol, Dist Bagalkot
MudholBAGALKOT

VERSUS

Accused:
Jafirbeg N Jamadar
Age: 30
R/o Behind Basavaling Temple, Basavalinga Nagar, Mudhol Dist Bagalkote

ORDER

Date : **20-12-2022**

Complainant is present. He has filed affidavit in lieu of his sworn statement.

Sri.BMB Adv files memo and prays to treat S/Statement as examination-in-chief affidavit. Memo is allowed. Complainant is examined as C.W.1/P.W.1, Ex.P.1 to Ex.P.5 are marked. Heard,

ORDERS ON ISSUANCE OF PROCESS

This is a complaint filed U/Sec.200 of Cr.P.C. for the offence punishable **U/Sec.138 of N.I. Act.** Case is registered as P.C.R. Thereafter sworn statement of complainant is recorded as C.W.1/P.W.1. The said sworn

statement is treated as examination-in-chief affidavit of complainant as per the request of her counsel. Documents got marked at Ex.P.1 to Ex.P.5.

Heard, perused the sworn statement/ examination-in-chief affidavit and documents. It appears accused has issued a cheque dated 18.08.2022 bearing **No.110098** for **Rs.1,00,000/-** (one lakh only) in favour of complainant to discharge legally enforceable debt. It is dishonored for the reasons **“INACTIV ACC”** on 19.08.2022. Legal notice was issued on 03.09.2022 i.e., within 30 days from the date of intimation of cheque dishonored. The notice was served upon accused on 05.09.2022.

After expiry of 15 days, the complaint has been filed on 13.10.2022 within 30 days.

The complaint meets all legal requirements. The record discloses that, there is sufficient material against the accused persons to take cognizance. Accordingly cognizance for the offence punishable **U/Sec.138 of N.I. Act** is taken.

Further looking into the complaint averments, sworn statement/examination-in-chief affidavit and documents on record, I am of the opinion that, there is a prima-facie material to proceed with the case and to issue process against respondents/accused persons.

In considering the cheque amount, I am of the opinion that, this case needs to be tried as summons case. Hence I proceed to pass the following,

ORDER

Office is directed to register the case in Register No.III and put up by 05.01.2023.

Sd/-

(SRI RAJENDRAKUMAR.K.M.)
Sr.Civil Judge and JMFC.,Mudhol