

Dt: 14/11/2024.

ORDER

Perused the complaint. The complainant has filed this complaint through its Managing Partner against the accused for the offence punishable under Section 138 of NI Act.

In support of the complainants case, he filed affidavit in lieu of his sworn statement and the same has been treated as chief examination of complainant. The complainant has also produced the documents in support of his case i.e., Ex.P.1 to Ex.P.6. The GPA at Ex.P.1, the cheque Dated 31-12-2021 at Ex.P.2, the Return memo at Ex.P.3, Postal Receipt at Ex.P.4, Track consignment at Ex.P.5. Legal notice at Ex.P.6.

The material from record discloses that the cheque has been produced for encashment within time. The cheque is not encashed for the reason of “ Funds Insufficient” as per the bank endorsement. The complainant caused the legal notice to the accused after dishonour of the cheque receiving the bank endorsement within time. The complaint has been filed within the prescribed time and statutory period and thereby the complainant has made out prima-facie case, all statutory ingredients to attract the offence punishable under Sec.138 of NI Act. Therefore, this court is of the

opinion that the complainant has made out prima-facie case under section 138 of NI Act.

Hence, I proceed to pass the following:

ORDER

Register the criminal case against the accused for the offence punishable under Section 138 of NI Act.

Office is Registered and put up on 23/11/2023.

**Addl. Senior Civil Judge and JMFC,
BIDAR.**