

ORDERS ON ISSUE OF PROCESS
AGAINST THE ACCUSED

The complainant by filing complaint U/S 223 of BNSS has alleged that, the accused has committed the offence P/U/Sec. 138 of NI Act 1882.

In his sworn statement the complainant as PW-1 has reiterated the complaint averments and identified the original cheque bearing No.341387 dated 23.06.2025 for Rs.6,00,000-00 and bank endorsement, the office copy of legal notice, postal request, postal letter, reply notice and postal letter are got marked at Ex.P-1 to 7 respectively.

On perusal of complaint averments together with sworn statement of PW-1 and the documents prima facie it appears that, the accused has issued the cheque Ex.P-1 in discharge of legally enforceable debt for Rs.6,00,000-00 in favor of complainant. When complainant presented cheque bearing no.341387 for sum of Rs.6,00,000/- on 24.06.2025 for encashment through the bank, the drawee bank had returned the original cheque no.341387 on 24.06.2025 unpaid due to “INSUFFICIENT FUNDS” maintained by the accused.

As per Ex.P.3, complainant got issued legal notice to the accused on 27.06.2025 through RPAD. Perused the Ex.P.5 the complainant requested to postal authority regarding the service of issuance of notice, As per Ex.P.7 the said RPAD served to the accused on 28.06.2025.

In the complaint it is stated that the accused has failed to repay the cheque amount to the complainant.

Having regard to the complaint averments, sworn statement of PW-1 and the documents mentioned above prima facie it appears that, the accused has committed the offence P/U/S 138 of NI Act 1882. At this stage the complainant has produced sufficient materials to proceed against the accused. Hence, the following;-

ORDER

Office is directed to register the case in CC register against the accused for the offence P/U/S 138 of NI Act 1882.

Issue summons to the accused if PF is paid as per Section 226 of BNSS. R/by 20.06.2026.

Sr. Civil Judge & JMFC.,
Hiriyur.