

Case called. Complainant is present. Sworn statement recorded and Ex.P1 to P5 are marked.

Heard arguments.

On perusal of the averments made in the complaint it appears that, the accused has issued cheque bearing No.075843, for Rs.3,00,000/- on 19.01.2026 to the complainant drawn on the Axis Bank hassan branch the said cheque has been presented for encashment on 20.01.2026 and the same is returned unpaid for the reason **“Drawers Signature Differs”**, same has been returned unpaid with endorsement dated 20.01.2026. The complainant makes a demand for the payment of the said amount of money by giving notice in writing to the accused on 29.01.2026 and same was severed. The accused fails to make payment within 15 days after dishonor of cheque.

This court carefully perused the complaint and affidavit it appears that, the cheque has been presented within time, that the payee of the cheque has issued demand notice within 30 days of the receipt of information from bank, and the drawer/accused has been failed to make payment after such demand within 15 days of the service of notice. Hence, the present complaint filed by the complainant is within time. Therefore, the materials placed on record at this stage are sufficient to proceed against the accused. Hence, this court pass the following:-

ORDER

Since the present private complaint is filed for the offence P/U/Sec.138 NI Act which is a special enactment the amendment prescribed in the Sec.223 of BNSS is not applicable to the present case.

Cognizance is taken for the offense punishable under section 138 of Negotiable Instruments Act.

Office is directed to Register Criminal case against the accused in Register No. III.

Issue summons to the accused thorough speed post, if steps taken. R/by **29.07.2026.**

Sd/-

**Prl. Civil Judge and JMFC,
Kadur**