

KACM500000302026



Presented on : 20-01-2026
Registered on : 20-01-2026
Decided on : 17-03-2026
Duration : 0 years, 1 months, 28 days

**IN THE COURT OF
CIVIL JUDGE AND JMFC, NARASIMHARAJAPURA
AT Narasimharajapura,CHIKKAMAGALURU
(Presided Over by JEETHU R S)**

P.C.R./7/2026

Exhibit No.

Complainant(PROSECUTION):

Sri. M.V Murthy

Through Police Station Officer

, S/o Late M J Venkappa Naika, 59 years, R/o Malurdinne, Simse Village, N.R.Pura
NarasimharajapuraCHIKKAMAGALURU

Sri. M.V Murthy

VERSUS

Accused:

Smt. K.M. Sahira

Age: 45

Occupation :

W/o Nayaz, 45 Years, R/o Indiranagara ,Hiluvalli Village, N.R.Pura

APP for State Complainant}: N.V. SUJAY,

Advocate for appearing for Smt. K.M. Sahira Advocate appearing for , respectively.

Offence punishable under : U/s, 138 NI Act of Bharatiya Nagarik Suraksha Sanhita,

ORDER

Complainant present. Counsel for Complainant present.

Further the sworn statement of the complainant is recorded. The Counsel for Complainant submitted that the sworn statement of the complainant filed by way of affidavit be treated as the evidence of complainant as the above complaint is filed against the accused for the offence punishable under section 138 of NI Act.

Further submitted that as per the directions of Hon'ble Apex Court in Indian Bank Association case reported in AIR 2014 SC 2528, the sworn statement of the complainant be treated as the examination in chief of complainant/PW1. Further the complainant also identified the documents produced before the court as per Ex.P1 to 5 and signature of the accused over the cheque/Ex.P1 as Ex.P1(a). Ex.P2 is the Bank Endorsement which discloses that the cheque is question is dishonoured for the reasons "**FUNDS INSUFFICIENT**". Ex.P3 is the Legal notice, Ex.P4 is the postal receipt and Ex.P5 is the unclaimed RPAD cover. Ex.P5(a) is the Notice in Ex.P5.

As per the ratio laid down by the Hon'ble High court of Karnataka in Ashok Vs Fayaz Aahmad in Crl.P.No. 101514 of 2025 vide Judgment dated 28.04.2025 there is no necessity to issue notice to the accused as per the proviso of Section 223 of BNSS for the complaint filed against an accused for an offence punishable under section 138 of NI Act.

The Complainant has filed the complaint within the prescribed time under the statutory period as prescribed under section 138 of NI Act and thereby the Complainant has made out all statutory ingredients to attract the offence punishable under section 138 of N.I Act. The affidavit in lieu of his examination in chief filed by the Complainant/PW1 along with the documents at Ex.P1 to 5 supports the contention of complainant at this juncture. Therefore this Court is of opinion that the Complainant has made out prima-facie case U/Section 138 of N.I Act. Accordingly, the following:

ORDER

1. Register the case as a Criminal Case in Reg.No. III against the Accused U/ Section 138 of NI Act and put up today.

Accordingly, PCR stands disposed off.

Office is hereby directed to keep the original cheque in the safe custody till further orders.

Sd/-xxx

Date : 17-03-2026

(**JEETHU R S**)

CIVIL JUDGE AND JMFC, NARASIMHARAJAPURA

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