

KACM500003302025



Presented on : 17-03-2025
Registered on : 17-03-2025
Decided on : 29-07-2026
Duration : 1 years, 4 months, 12 days

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

P.C.R./17/2025

Exhibit No.

Complainant(PROSECUTION):

Chief Executive Officer

Through Police Station Officer

, Subhadra Credit Souharda,Co- Operative Ltd, Balehonnur, N.R.Pura Taluk
NarasimharajapuraCHIKKAMAGALURU

Chief Executive Officer

VERSUS

Accused:

Sri. Siddiq

Age: 0

Occupation :

S/o Usman, Aged 42 Years, R/o Akshara Nagara, Balehonnuru, N.R.Pura Taluk

APP for State Complainant}: Vidwath Gowda,

Advocate for appearing for Sri. Siddiq Advocate appearing for , respectively.

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

ORDER

Case called out. Counsel for complainant filed application U/Sec.302 of Cr.PC seeking to permit the complainant society to represent through the authorized person.

Perused the reasons assigned in the application it is stated that earlier representative of the complainant society has resigned for his job. As such prays to allow the application. The complainant is a society and it is a Non Corporal Body and as such it has to be represented by a living person. Accordingly, the above application is allowed.

Smt. Manasa H.J., CEO., Subhadra Credit Souharda, Co-operative Ltd., Balehonnur is present. Further filed affidavit in lieu of examination in chief and examined herself as PW1.

Further identified the documents which are produced and got marked Ex.P1 to 6 along with signature marked as Ex.P1(a) and 6(a).

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 and 3 are the Bank Endorsements which discloses that the cheque is question is dishonoured for the reasons **"FUNDS INSUFFICIENT"**. Ex.P4 is the Legal notice, Ex.P5 is the postal receipt and Ex.P6 is the unclaimed RPAD cover. Ex.P6(a) is the Notice in Ex.P.6.

As per the ratio laid down by the Hon'ble High court of Karnataka in Ashok Vs Fayaz Aahmad in CrI.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 6 supports the contention of complainant at this juncture. Therefore this Court is of opinion that the Complainant has made out prima-facie case and cognizance is taken for the offence punishable 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 issue summons to accused on 11.8.2026.

Accordingly, PCR stands disposed off.

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

Sd/-xx

Date : 29-07-2026

(JEETHU R S)

CIVIL JUDGE AND JMFC, NARASIMHARAJAPURA

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