

PCR 106/2025

Case is called out. complainant is present and recorded sworn statement by producing the 5 documents which are got marked as Ex.P1 to 5. Further the complainant has issued statutory notice to the accused before filing of private complaint. Therefore there is no requirement to issue notice to the accused before taking cognizance u/s 142 of NI Act for the offence punishable u/s 138 of NI Act. Hence, case is posted for orders on cognizance.

ORDER UNDER SECTION 227 OF BNSS

The present Private Complaint is filed by the complainant U/Sec. 223 of BNSS for the offence punishable U/Sec. 138 of Negotiable Instrument Act.

After perusing the contents of the complainant and copy of documents submitted along with the complaint, it disclosed

commissions of the offence punishable U/Sec. 138 of Negotiable Instrument Act. Hence, cognizance for the offence punishable U/Sec. 138 of Negotiable Instruments Act was taken and ordered to register as private complaint.

Later on sworn statement of complainant recorded.

On perusal of the contents of complaint, sworn statement, documents produced by the complainant at the time of recording of sworn statement, prima facie case discloses that accused has issued a cheque bearing No.581176 dated 11.09.2025 for Rs.4,50,000/- drawn on Bank of Maharashtra, Jayanagara branch, Bengaluru in favour of complainant. Later complainant has presented said cheque through his HDFC Bank, Chamarajanagara Branch for encashment. But the said cheque dishonored and returned with endorsement that **drawer signature differs.**

Therefore, the accused committed an offence punishable U/Sec.138 of Negotiable Instrument Act. Similarly, complaint is well within the time prescribed under the provision of N.I. Act. On perusal of the materials placed before this court, I am of the opinion that there are sufficient grounds for further proceedings against the accused in this case. Hence, I proceed to pass the following:

ORDER

Acting U/Sec.227(1 to 4) of BNSS cognizance is taken for register the case against the accused for the offence punishable U/Sec. 138 of Negotiable Instrument Act and it is hereby directed to office to register the Criminal case in Register No. III.

(SRI. SUNIL R.)

I Addl. Senior Civil Judge and JMFC.,
Chamarajanagar.

ORDER

Complainant is present. Sri.GSK advocate is present. Complainant has filed memo stating that treated the sworn statement affidavit as chief evidence with original cheque dated 11.09.2025, bank endorsement, Legal notice dated 03.11.2025, postal receipt and postal acknowledgment all the said documents got marked as Ex.P-1 to 5.

Office is directed to register Criminal Case against accused for an offence punishable U/Sec. 138 of Negotiable Instrument Act.

Issue summons to accused and accused shall enter his defence as per Sec.274 of BNSS on his first appearance and also issue summons to accused through RPAD, after requirement of Sec.227 of BNSS complied.

Returnable by. Call on 03.08.2026.

I Addl. Senior Civil Judge and JMFC.,
Chamarajanagar.