

Complainant present. Perused the records this complainant is filed U/Sec.223 of BNSS against the accused for the offence punishable U/Sec.138 of N.I.Act.

Complainant present. Sworn statement of complainant is recorded. Complainant is examined as PW-1 and got marked **Ex.P-1 to P-5**.

Since the offence punishable U/Sec.138 of N.I Act which is a special enactment and contemplates to take cognizance of offence punishable U/Sec.138 as per Sec.142 of N.I.Act.

Hence, the prior notice to accused U/sec.223 of BNSS before taking cognizance is hereby dispensed.

Cognizance of U/sec.138 of N.I.Act is taken.

Heard counsel for complainant and perused the records, documents along with the complainant. Hence, for orders.

ORDER ON ISSUE OF PROCESS

The sworn statement of the complainant and the documents produced along with complaint prima-facie establishes that, the cheque in question was issued by the accused to complainant and on presentation of said cheque to the bank it was dishonored for reason **“Funds insufficient ”**, in the account of

accused. Further the amount covered under the cheque was demanded by the complainant by issuing legal notice, which is **duly served** on the accused and the accused has not complied the said notice. Further, the complaint is filed within limitation period. The complainant has made out prima-facie case against the accused. At this stage there is sufficient material and reasonable grounds to proceed against the accused for the offence punishable U/Section 138 of N.I.Act. The complainant has complied Section 227 of BNSS., Hence, I proceed to pass the following;

ORDER

The office is directed to register the case against the accused in Register No.III for the offence punishable U/Section 138 of Negotiable Instruments Act and issue summons to accused through SPEED POST, if P.F, paid, returnable by 11.05.2026.

Sd/-

Civil Judge & JMFC., Jagalur.