

ORDER

1) The complainant has filed this complaint under section 223 of BNSS read with section 138 of Negotiable Instruments Act against the accused for the offence punishable under section 138 of N.I.Act.

2) In support of the case of the complainant, he got himself examined as P.W.1 and got marked Ex.P.1 to 8 documents. It is pertinent to mention here that though under 223 of BNSS it is mentioned that before taking cognizance opportunity to the accused has to be given. But section 142 of Negotiable Instruments Act which specifies the procedure to take cognizance of the offences punishable under the said Act do not contemplate any such opportunity to the accused before taking cognizance for the offences under said Act. The Negotiable Instruments Act being the special legislation, the provisions of which will prevail over the provisions of BNSS so far as the taking of cognizance of the offences punishable under the Negotiable Instruments Act is concerned. Hence on perusal of the sworn statement of P.W.1 and Ex.P.1 to 8, I am of the opinion that there are sufficient grounds to take cognizance of the offence punishable under section 138 of Negotiable Instruments Act against the accused No.1 and 2. Hence I proceed to pass the following:

ORDER

Office to register a Criminal case against the accused No.1 and 2 in register No.III for the offence punishable under section 138 of Negotiable Instruments Act. Issue summons to accused No.1 and 2 by speed post if steps taken. R/by 01.08.2026.

02.06.2026

Ist Addl. Senior Civil Judge
& JMFC, Hangal.