

ORDER

The complainant has filed this complaint U/Sec.223 BNSS by alleging that the accused has committed the offence punishable U/Sec.138 of NI Act.

2. In order to prove prima-facie case, on behalf of complainant its Asst. Manager appeared before the Court and examined himself as PW.1, wherein he has reiterated the averments of the complaint and relied on Ex.P.1 to 5. Ex.P.1 is the original Cheque bearing No.838468 dated 20-01-2026 of Rs.2,33,538/- issued by accused in favour of complainant. Ex.P.1(a) is the signature of the accused. Ex.P.2 is the memo issued by the Savanur Urban Co-op. Bank Ltd., Savanur branch, Ex.P.3 is the office copy of legal notice issued by the complainant through his counsel to accused. Ex.P.4 is the postal receipts. Ex.P.5 is the postal acknowledgment.

3. Heard complainant's counsel and perused the material on record.

4. The points that arises for my consideration are as follows:

1. Whether the complainant has made out prima-facie case to issue process against the accused?
2. What order?

5. My answer to the above points are as under;

Point No.1 : In the affirmative.

Point No.2: As per the final order for the following;

REASONS

6. Point No.1: The complainant in order to substantiate his case complainant has sworn to an affidavit as per the contents of the complaint. Accordingly, the affidavit in respect of sworn statement is accepted. The sworn statement filed by the complainant is coupled with the Ex.P.1 to 5. As per the materials on record, it appears that the accused had issued cheque bearing No.838468 dated 20-01-2026 of Rs.2,33,538/- in favour of complainant as per Ex.P.1. Ex.P1(a) is the signature of the accused. The complainant submitted the Ex.P.1 cheque to the Savanur Urban Co-Op. Bank Ltd., Savanur branch for collection. However the said bank has issued a memo as per Ex.P.2 that the cheque was returned with the reason "Payment stopped by the drawer" dated : 20-01-2026. Thereafter the complainant issued Ex.P.3 legal notice on 09-02-2026 that is within the 30 days from the date of receipt of memo from the date of receipt of memo. Ex.P.4 is the postal receipt and Ex.P.5 is the postal acknowledgment. The accused has received the said notice on 10-02-2026, but failed to repay the loan amount to the complainant. Thereafter the complainant has filed this complaint on 09-03-2026. As such, the complaint filed by the complainant is well within limitation. On careful perusal of the materials on record, the complainant has made out prima-facie case against the accused. The complainant has also followed all the mandatory provisions as laid down in the Negotiable Instrument Act. Therefore cognizance is taken for the offence punishable U/Sec.138 of NI Act. Accordingly, **I answer point No.1 in the Affirmative.**

7. **Point No.2:** Therefore, I proceed to pass the fallowing,

ORDER

Office is hereby directed to register the case in Register No.III against the accused for the offence punishable U/Sec. 138 of NI Act. Issue summons to accused through Speed Post and wants to plead guilty or has any defense to make.

Call on :

CJ & JMFC, Savanur