

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, complainant 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.695393 dated 02-03-2026 of Rs.4,50,000/- 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 Karnataka Grameena Bank, Haveri main 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 returned postal cover and Ex.P.5(a) is the legal notice enclosed therein.

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.695393 dated 02-03-2026 of Rs.4,50,000/- 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 Karnataka Grameena Bank Ltd., Haveri main Branch for collection. However the said bank has issued a memo as per Ex.P.2 that the cheque was returned with the reason "Funds insufficient" dated :11-03-2026. Thereafter the complainant issued Ex.P.3 legal notice on 07-04-2026 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. Ex.P.5 and P.5(a) are the postal cover and the legal notice respectively with endorsement "Unclaimed.". Accused has not yet repaid the said cheque amount to the complainant. Thereafter the complainant has filed this complaint on 20-05-2026. 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