

Dt: 25/11/2022.

ORDER

Perused the complaint. The complainant has filed this complaint through its authorized officer against the accused for the offence punishable under Section 138 of NI Act.

In support of the complainant's case, he filed affidavit in lieu of his sworn statement and the same has been treated as chief examination of complainant. The complainant has also produced the documents in support of his case i.e., Ex.P.1 to Ex.P.6. The cheque Dated: 09-12-2021 at Ex.P.1, Signature at Ex.P.1(a), the Endorsement at Ex.P.2, Legal Notice at Ex.P.3, Postal Receipt at Ex.P.4, Postal Cover at ex.P.5, Signature, Ex.P.5(a), TATA Ace vehicle No. A.P.05/T.U.0814 B Extract at Ex.P.6.

The material from record discloses that the cheque has been produced for encashment within time. The cheque is not encashed for the reason of "Funds Insufficient" as per the bank endorsement. The complainant caused the legal notice to the accused after dishonour of the cheque receiving the bank endorsement within time. The complaint has been filed within the prescribed time and statutory period and thereby the complainant has made out prima-facie case, all statutory

ingredients to attract the offence punishable under Sec.138 of NI Act. Therefore, this court is of the opinion that the complainant has made out prima-facie case under section 138 of NI Act.

Hence, I proceed to pass the following:

ORDER

Register the criminal case against the accused for the offence punishable under Section 138 of NI Act.

Issue summons to the accused by speed post with acknowledgement due or RPAD, regular process and hand summons if required of Sec.204 of Cr.P.C are complied with. For his appearance.

In view of the direction of Honorable High Court of Karnataka vide LCA-I. 105/2008 dated 23-07-2018. Office is hereby directed to send the Summons through on-line i.e., SMS/E-mail to the Accused, if the complainant is furnished the E-mail ID or whatsapp/mobile number of the Accused regarding speedy disposal of cheque bounce cases.

If the complainant gives his Bank Account number, the office is directed to indicate the same in the Summons that the Accused deposits the cheque amount and

interest the Accused need not appear unless
required.

Returnable by. 04/01/2023

**Addl. Senior Civil Judge and JMFC,
Bidar**