

KAKL200094122025



Presented on : 20-12-2025
Registered on : 20-12-2025
Decided on : 04-06-2026
Duration : 0 years, 5 months, 15 days

**IN THE COURT OF
II ADDL CIVIL JUDGE AND JMFC BANGARAPET
AT BANGARAPET,KOLAR
(Presided Over by Sri. Chandrashekar Alabur)**

P.C.R./523/2025

Exhibit No.

Complainant(PROSECUTION):

R. Vijaya Kumar

Through Police Station Officer

, S/o V, Ramaiah A/a 58 years

R/o Budikote Village and Post Banagarpet Taluk

BANGARAPETKOLAR

R. Vijaya Kumar

VERSUS

Accused:

Nagesh N.

Age: 38

Occupation :

S/o Narayanappa A/a 38 years

R/o Budikote Village and Post Banagarpet Taluk

APP for State Complainant}: M.Ananda,
Advocate for appearing for Nagesh N. Advocate appearing for , respectively.

Offence punishable under :

**223,138,142, of BHARATIYA NAGARIK
SURAKSHA SANHITA,**

ORDER

Case advanced.

Complainant and his counsel present.

In light of the judgment of the Hon'ble Supreme Court in Indian Bank Association V/s Union of India as well as the recent judgment of the Hon'ble High Court of Karnataka in Criminal petition No.101514 of 2025, it is well-settled that in cheque dishonour cases under Section 138 NI Act, the Magistrate need not issue a pre-summoning notice to the accused before taking cognizance. Sworn statement of the complainant is recorded.

Document Ex.P.1 to Ex.P.5(a) were marked.

Heard.

The complainant has filed the complaint against the accused for an offence punishable u/Sec.138 of NI Act.

Ex.P.1 is a cheque Ex.P.1(a) is the signature of the accused.

Ex.P.2 shows that State Bank of India, Budikote Branch has dishonored the cheque on 13.11.2025 as "Funds Insufficient".

Therefore Ex.P.1 cheque stands dishonored. Ex.P.3 is the legal notice to the accused on 22.11.2025 calling upon the latter to pay cheque amount within 15 days. Ex.P.4 is the postal receipt. Ex.P.5 is the unserved RPAD postal cover. Ex.P.5(a) is the legal notice copy. Thereafter the complainant has filed the instant complaint on 20.12.2025.

The contents of the affidavit filed in lieu of examination in chief corroborates with the documents. The ingredients of Sec.138 of NI Act are thus complied with. Accordingly there are reasonable grounds to proceed against the accused for offence punishable u/Sec.138 of NI Act.

ORDER

The cognizance of offence punishable u/Sec.138 of NI Act is taken.

The office is directed to register CC against the accused for offence punishable u/Sec.138 of NI Act.

Office to issue summons to accused through Speed post service if copy of the complaint, Speed post cover and if PF is furnished.

Date : **04-06-2026**

(**Sri. Chandrashekar Alabur**)
II ADDL CIVIL JUDGE AND JMFC BANGARAPET

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