



IN THE COURT OF PRL. CIVIL JUDGE & JMFC, MALUR

PRESENT

Smt. Gayatri., B.Com., LL.M., (IPR)
Prl. Civil Judge & JMFC, Malur

Dated 25th day of June 2026

C.C. No.21/2025

Complainant :: Murali Mohan Reddy,
S/o Chandra Shekar Reddy,
Aged about 42 years,
R/o Nanjamma Layout, Adarshanagara,
Maruthi Extension, Malur Town,
Kolar District.

[By: Sri. S.G., Advocate]

-V/s-

Accused :: Mahendrasen.K,
S/o Kangaram,
Aged about 35 years,
R/o Near Haripoly clinic,
Karanji Extension,
Malur Town, Kolar District.

[By: Sri.T.B.K, Advocate]

JUDGMENT ON JOINT MEMO

Complainant has filed present complaint against accused
U/Sec. 223 of BNSS for offence punishable U/s 138 of
Negotiable Instrument Act, 1881.

2. The brief fact of the case are as under:

Complainant submits that, himself and accused are known to each other out of said acquaintance accused borrowed a hand loan of Rs.9,00,000/- from the Complainant for his personal necessities and other financial necessities on last week of July 2024 i.e., on 25.07.2024.

3. Accused assuring the repayment of same towards the repayment of said hand loan executed a Cheque in respect of said hand loan and a cheque bearing No.919253 drawn on Canara Bank, Malur branch, for a sum of Rs.9,00,000/- on dated: 23.09.2024.

4. Complainant further submits that, in order to get it encash has presented the said cheque on 24.09.2024 to his banker Pragathi Krishna Gramin Bank, Malur Branch, for its encashment. The said cheque was returned for “FUNDS INSUFFICIENT” on 24.09.2024.

5. Complainant further submits that, he on 26.09.2024 through his counsel got issued legal notice to accused calling upon the accused to repay the alleged hand loan, the said notice was duly served on 28.09.2024. Hence, he left with no other option he has filed the present complaint against accused for the offence punishable U/sec.138 of N. I. Act.

6. Per contra, in pursuance to the complaint, summons was issued to accused. Accused appeared before Court through counsel and was enlarged on bail.

7. Plea was recorded and read over to accused by Predecessor on 23.10.2025, he denied the same and claimed to be tried.

8. Complainant has examined himself as PW1 and got marked Ex.P1, 1(a), 2 to 6.

9. In view of compromise entered into between by Complainant and Accused, the recording of statement of accused U/s 351 of BNSS was dispensed with. Complainant and Accused have filed Joint Memo.

10. Heard both the Counsels on Joint Memo. Hence, matter was posted for Judgment on Joint Memo.

11. The points those arises for the consideration of this court are as under:

1. Whether complainant proves that accused borrowed a sum of Rs.9,00,000/- and thereby issued a cheque bearing No.919253 drawn on Canara Bank, Malur Branch on dated 23.09.2024, towards the said amount and the said cheque was returned with an endorsement "FUNDS INSUFFICIENT" on 24.09.2024 and

thereby accused committed an offence punishable U/s 138 of N.I. Act,?

2. What order?

12. This court's findings on the above points are as under:

Point No.1 : In the **Affirmative**

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

REASONS

13. POINT NO.1:

Complainant has examined himself as PW-1, filed his affidavit in lieu of examination-in-chief by reiterating all those averments made by him in his complaint. Complainant has produced 6 documents and got them marked as Ex.P1, 1(a) , 2 to 6. Ex.P1 is Original Cheque bearing No.919253, Ex.P1(a) is the signature of Accused, Ex P2 is the endorsement issued by Bank, for funds insufficient, Ex.P3 is office copy of legal notice, Ex.P4 is the Postal receipt and Ex.P5 is the postal acknowledgment, Ex.P6 Reply notice.

14. After complainant examining himself as PW1 during the course of trial, at the time when matter was posted for cross-examination of PW1, the complainant and accused have entered into settlement. The learned counsel for complainant and accused have filed joint memo stating that accused has

agreed to pay Rs.2,10,000/- to the complainant and out of said amount Accused has already paid Rs.10,000/- to Complainant and further, the Accused has agreed to paid a sum of Rs.50,000/- on 16.07.2026, Rs.50,000/- agreed to paid on 17.08.2026, Rs.50,000/- agreed to paid on 16.9.2026 and Rs.50,000/- agreed to paid on 16.10.2026, and in case of failure, the Accused has agreed to pay Rs.2% interest per month to Complainant for the agreed amount, as mentioned in Joint Memo. In view of joint memo filed by the parties, it is clear that accused has committed an offence under section 138 of Negotiable Instrument Act, 1881. Hence, this court without further discussion proceeds to answer this point accordingly.

15. POINT NO.2:

In view of above discussion and the reasons stated therein this court proceeds to pass the following:

ORDER

Acting under Section 278(2) of BNSS, Accused is hereby convicted for offence U/s 138 of Negotiable Instrument Act, 1881.

Accused shall pay a fine of Rs.2,10,000/- (Rupees Two Lakhs Ten Thousand only), out of which Rs.10,000/- is already paid on

16.06.2026 and balance amount of Rs.2,00,000/- to be pay on respective dates as mentioned in the joint memo to complainant. In default Accused shall undergo simple imprisonment for a period of 6 months.

Upon failure of the Accused to pay Rs.2,00,000/- as agreed by him, complainant is at liberty to take action for recovery of fine amount against the accused as per Sec. 461(1) of BNSS, Complainant is at liberty to recover out standing amount at 2% interest per month on agreed amount.

The bail bond and surety bond of the accused stands cancelled.

Office to supply free copy of this Judgment to Accused.

[Dictated to the Stenographer, directly on the computer. Corrected and then pronounced by me in the Open Court on this the 25th day of June 2026)

(Smt.Gayatri)
Prl. Civil Judge & JMFC,
Malur.

ANNEXURE**1. List of witnesses examined for the Complainant :**

PW-1 : Murali Mohan Reddy

2. List of documents exhibited for the Complainant:

Ex.P1 : Original cheque.

Ex.P1(a) : Signature of accused.

Ex.P2 : Endorsement.

Ex.P3 : Office copy of legal notice.

Ex.P4 : Postal receipt.

Ex.P5 : Postal Acknowledgment

Ex.P6 : Reply notice

3. List of witnesses examined for the accused: NIL**4. List of documents exhibited for the accused: NIL**

(Gayatri)
Prl. Civil Judge & JMFC,
Malur.