



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

**PRESENT**

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

**Dated 03<sup>rd</sup> day of July 2026**

**C.C. No.1866/2025**

**Complainant** : Sri.Vishwas.J.  
S/o Jagadish,  
Aged about 29 years,  
R/at Ward No.7, Theater Circle Road,  
Malur Town, Malur.

**[By: Sri.B.N.V. Advocate]**

**-V/s-**

**Accused** : Sri.N.A.Suresh,  
S/o N.D.Anand Rao,  
Aged about 50 years,  
R/at Nagaraja Building, Ground Floor,  
Near Venugopal School, 17<sup>th</sup> ward,  
Shathi Nagar, Malur Town, Malur-563130.

**[By: Sri.T.A.U. Advocate]**

**JUDGMENT ON JOINT MEMO**

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

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

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 approached him on 2<sup>nd</sup> week of February 2024 requested for a hand loan of Rs.3,00,000/-. The complainant on 1<sup>st</sup> week of March 2024 extended Rs.3,00,000/-, by way of cash to the Accused as per his request towards family legal necessities and for other financial commitments as hand loan to the accused as per her request.

**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.964984 drawn on Canara Bank, Malur branch, for a sum of Rs.3,00,000/- on dated: 20.07.2024.

**4.** Complainant further submits that, in order to get it encash has presented the said cheque on 12.08.2024 to his banker Canara Bank, Malur Branch, for its encashment. The said cheque was returned for "FUNDS INSUFFICIENT" on 12.08.2024.

**5.** Complainant further submits that, he on 28.08.2024 through his counsel got issued legal notice to Accused calling upon the accused to repay the alleged hand loan, the said notice

was returned with shara 'addressee unclaimed'. 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 not recorded. At the request of both the parties matter is posted for settlement.

**8.** Complainant has examined himself as PW1 and got marked Ex.P1, 1(a), 2 to 5, 5(a).

**9.** The statement of Accused U/s 351 of BNSS was not recorded. Both the parties 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.3,00,000/- and thereby issued a cheque bearing No.964984 drawn on Canara Bank, Malur branch on dated 20.07.2024, towards the said amount and the said cheque was returned with an endorsement "FUNDS INSUFFICIENT" on 12.08.2024 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 5 documents and got them marked as Ex.P1, 1(a), 2 to 5, 5(a). Ex.P1 is Original Cheque bearing No.964984, 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 RPAD cover, Ex.P5(a) is the opened RPAD cover with notice copy.

**14.** After complainant examining himself as PW1 during the course of trial, at the time when matter was posted for reporting settlement, 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.50,000/- to the complainant and out of said amount Accused has agreed to pay sum of Rs.5,000/- on 08.07.2026 and undertakes to pay the balance settlement amount of Rs.45,000/- on or before 08.10.2026 without fail, 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.50,000/- (Rupees Fifty Thousand only), out of said amount Accused has agreed to pay sum of Rs.5,000/- on 08.07.2026 and undertakes to pay the balance settlement amount of Rs.45,000/- on or before 08.10.2026 without fail, as mentioned in Joint Memo. In default Accused shall undergo simple imprisonment for a period of 6 months.

Upon failure of the Accused to pay Rs.50,000/- 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.

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 Computer. Corrected and then pronounced by me in the Open Court on this the 03<sup>rd</sup> day of July 2026)

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

### **ANNEXURE**

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

PW-1 : Vishwas.J

#### **2. List of documents exhibited for the Complainant:**

Ex.P1 : Cheque.  
Ex.P.1(a) : Signature of accused.  
Ex.P2 : Return memo.  
Ex.P3 : Office copies of legal notice.  
Ex.P4 : Postal receipt.  
Ex.P5 : RPAD cover  
Ex.P5(a) : opened RPAD cover a copy of notice inside.

**3. List of witnesses examined for the Accused:NIL**

**4. List of documents exhibited for the Accused: NIL**

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