

Case called out.

Complainant is present and files affidavit in lieu of sworn statement and he is examined as PW-1 and documents are marked as Ex.P-1 to P-5.

As per ratio laid down by the Hon'ble High Court of Karnataka in between **Ashok V/s Fayaz Aahamad** in **Criminal Petition No.101514/2025** dated 28.04.2025, there is no need to give an opportunity of being heard to the accused before taking cognizance for offence punishable under section 138 of NI Act,. Hence, issuance of pre-cognizance notice as per proviso to Section 223 of BNSS is dispensed.

Heard the counsel for complainant.

Perused the complaint and documents placed on record. Complainant has filed the complaint against the accused for offence punishable under section 138 of N.I. Act. The material from record discloses that the cheque has been produced for encasement within time the check is not encased for the reasons of ***In sufficient***

founds as per the bank endorsement. The complainant caused the legal notice to the accused after dishonor of the cheque receiving the bank endorsement within time. The complaint has been filed within the prescribed time under the statutory period and thereby the complainant prima-facie made out all statutory ingredients to attract the offence punishable under section 138 of N.I. Act. Therefore this court is of opinion that the complainant has made out prima-facie case U/Sec.138 of N.I. Act. Hence, cognizance is taken against accused for alleged offence punishable under section 138 of NI Act.

ORDER

Registered the case as a criminal case in register No.III against the accused for the offence punishable under section 138 of N.I. Act.

Issue summons to accused through RPAD U/Sec. 227 of B.N.S.S. if RPAD and PF paid and also to furnish

the copy of complaint along with
summons.

Returnable by 04.07.2026.

**I ADDL. CIVIL JUDGE & JMFC.,
Nagamangala.**