

Case called out.
Complainant present and files an affidavit on oath in lieu of his sworn statement.
He is treated as PW-1, Ex.P-1 to 6 and Ex.P- 1(a), 6(a) are marked.
L/C for complainant closed his side. Heard.
There is a prima facie case against the accused for the offence punishable U/Sec.138 of NI Act. Hence, cognizance is taken for the offence punishable U/Sec.138 of NI Act.
For orders by

ORDER

This is a private complaint filed by the complainant U/Sec.223 of BNSS, against the accused for the offence punishable under section 138 of NI Act.

2. On the basis of the averments of the complaint and the documents produced by the complainant this court has took cognizance of the above said offence and case was posted for recording of sworn statement. Then the sworn statement of the complainant is recorded.

3. In order to establish a prima-facie case against the accused, the complainant stepped into witness box and gave sworn statement reiterating the averments made in the complaint and in support of the same he has produced 8 documents which are marked as EX-P1 to Exp-6 and EX.P-1(a), 6(a). Exp1 is the Original Cheque bearing No 168595 dated:20.06.2025 for a sum of Rs. 3,00,000/- (Rupees Three lakhs only) SBI Bank, S.R.Patna Ex.P.1(a) is the signature of the accused, Exp2 and 3 are the bank endorsement dated 07.08.2025 and 12.09.2025 with respect to the dishonor of cheque i.e Exp-1, Exp4 is the office copy of the legal notice dated 09.10.2025, Exp5 is postal receipt, Exp6 is unclaimed Postal cover, Exp6(a) the notice in the postal envelopes returned from the said Exp7, the material from record discloses that the cheque has been produced for encashment within time. The Exp1cheque is not encashed for the reasons of '**FUNDS INSUFFICIENT**' as per Exp 2. The complainant has issued the legal notice to the accused after the bank endorsement within the 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 U/Sec. 138 of N. I. Act.

4. I have perused the sworn statement of the complainant and the material placed on record. There is a prima-facie case against the accused to proceed with the case, at this stage of the

proceedings this court need not weigh the evidence meticulously and it need not go into the aspect as to where the accused had sufficient information and material against the complainant, the said question are to be determined at the stage of trial, therefore, on a cursory perusal on the complaint, sworn statement of the complainant and the material place on record there appears a cognizable case against the accused, hence I am of the opinion that there are sufficient ground to proceed against the accused.

5. As complaint is supported by an affidavit of the complainant, as there is prima-facie case made out on going through the material placed before the court, in view of directions issued by Hon'ble Apex Court of India in case of Indian Bank Association - V/S- Union of India reported in 2014(2) DCR 209.

6. In order to establish a prima-facie case against the accused, the complainant stepped into witness box and gave sworn statement reiterating the averments made in the complaint and in support of the same he has produced 6 documents which are marked as EX-P1 to Ex- P.6 and EX.P-1(a) and 6(a). I have perused the sworn statement of the complainant and the material placed on record. On scrutinizing the complaint and the documents produced before me, I found sufficient materials to proceed against the accused for the offence punishable U/Sec.138 of N.I.Act.

7. On going through the complaint averments and circumstances of the case is appears to this court that the nature of the case is such that sentence of imprisonment for a term exceeding one year may have to be imposed. If the accused is tried summarily it may not be possible to award compensation out of the fine amount that may be imposed. Therefore, it is undesirable to try this case summarily. Further if this case if tried summarily, the evidence which is reordered by me cannot be acted upon my successor in view of the bar U/Sec. 365(3) of BNSS 2023. On

scrutinizing the complaint and the documents produced before me, I found sufficient materials to proceed against the accused for the offence punishable U/Sec.138 of N.I.Act. In the result I proceed to pass the following order:

ORDER

The case is converted into summons case.

Office is directed to register this case as criminal case in III register (Criminal) against the accused for the offence punishable under section 138 of NI Act.

Issue summons to the accused person along with copy of compliant, list of witness and list of documents through speed post with acknowledgment, asking if he wants to plead guilty or has any defence to make.

Issue summons to the accused person along with copy of compliant, list of witness and list of documents through speed post with acknowledgment if PF is paid by 01-08-2026

**(Umesha M.P),
Prl. Civil Judge and JMFC
SRIRANGAPATNA**

