

ORDER REGARDING ISSUE OF PROCESS

The Complainant has filed this private complaint under section 223 of BNSS for the offence punishable under section 138 of N.I Act. This court took cognizance of the said offence and registered the same in the P.C. Register as P.C.R No.40/2026. Thereafter, complainant appeared and filed affidavit in lieu of his sworn statement.

I have heard the learned counsel for the complainant.

I have perused the averments made in the complaint as well as the sworn statement of the complainant along with documents available on record.

It appears that, the accused has issued a cheque dated 05.01.2026 for Rs.3,00,000/- in favour of the complainant to discharge his liability. On presentation of the said cheque for collection, the same was returned unpaid for the reason "Funds Insufficient". In spite of issuance of notice, the accused did not pay the cheque amount. Hence, this private complaint is filed within the period of limitation.

The complainant before filing this complaint has complied with the necessary ingredients prescribed under section 138 of N.I. Act. Looking to the facts and circumstances of the case, at this stage, I feel that the complainant has made out a prima facie case and there are sufficient grounds to proceed against the accused for the offence punishable under

Section 138 of N.I Act. Hence, the office is directed to register the case against the accused in register No.III as C.C for the offence punishable under section 138 of N.I. Act.

Issue summons to the accused both through court and speed post acknowledgment due, if P.F paid and speed post furnished.

R/by

Pr1.Civil Judge & JMFC,
H.D.Kote.