

PCR 68/2026

Complainant and his counsel present.

In light of the judgment of the Honble Supreme Court in Indian Bank Association V/s Union of India as well as the recent judgment of the Honble High Court of Karnataka in Criminal petition No.101514 of 2025, it is well-settled that in cheque dishonour cases under Section 138 NI Act, the Magistrate need not issue a pre-summoning notice to the accused before taking cognizance. Sworn statement of the complainant is recorded.

Document Ex.P.1 to 5 were marked.

Heard.

The complainant has filed the complaint against the accused for an offence punishable u/Sec.138 of NI Act.

Ex.P.1 is cheque Ex.P.1(a) the signature of the accused.

Ex.P.2 shows that Canara Bank, Inorahosahalli Branch, has dishonored the cheque on 12.02.2025 as Funds insufficient. Therefore Ex.P.1 cheque stand dishonored.

Ex.P.3 is the legal notice to the accused on 22.12.2025 calling upon the letter to pay cheque amount within 15 days.

Ex.P.4 is the postal receipt.

Ex.P.5 is the postal acknowledgment.

Thereafter the complainant has filed the instant complaint on 05.02.2026.

The contents of the affidavit filed in lieu of examination in chief corroborates with the documents.

The ingredients of Sec.138 of NI Act are thus complied with.

Accordingly there are reasonable grounds to proceed against the accused for offence punishable u/Sec.138 of NI Act.

ORDER

The cognizance of offence punishable u/Sec.138 of NI Act is taken. The office is directed to register CC against the accused for offence punishable u/Sec.138 of NI Act.

Office to issue summons to accused through Speed Post service. if copy of the compliant, PF and Speed Post cover is furnished.

Await summons by 03.10.2026.

I Addl.C.J & JMFC, Bangarpet
04.08.2026