

Complainant is present and files sworn statement by way of affidavit and examined as CW-1 and got marked exhibits at Ex.C-1 to 5. No witnesses are present and examined on behalf of the complainant.

Heard.

For orders.

**ORDERS ON PRIVATE  
COMPLAINT**

Heard the advocate for complainant. Perused the material on record.

The complainant has filed the affidavit in lieu of sworn statement and examined himself as CW-1 and got marked at Ex.C-1 to 5.

However, no witnesses are present and examined on behalf of the complainant.

The complainant has filed the above complaint U/Sec.223 of BNSS, against the accused for the offence punishable U/Sec.138 of N.I.Act. The Hon'ble High Court of Karnataka, Dharwad Bench in the case of Ashok V/s Fayaz Aahmad in CrI.P.No.101514/2025 has held that as NI Act is a special enactment and in view of Sec.5 of BNSS r/w Sec.143 of NI Act, accused need not to be given an opportunity of being heard before taking cognizance, as contemplated in proviso of Sec.223 of BNSS.

Thereby the issuance of the notice to the accused as per the proviso under Sec.223 of BNSS does not arise.

On perusal of the said material on record Prima-facie appears that the alleged act constitute offence punishable U/Sec.138 of N.I.Act. Accordingly the following;

**ORDER**

Cognizance of the offence P/U/Sec.138 of NI Act is taken.

Office is directed to register the case as criminal case against the accused for the offence punishable U/Sec.138 of N.I.Act, in register No.3.

Issue summons against the accused for his appearance through RPAD, if RPAD cover furnished by 04.07.2026.

14.05.2026  
I ACJ & JMFC, Hunsur