

CC 98/2024

15/10/2024

Case taken on board. Accused by Name Ravi S/o Huchegowda, Aged about 40 years R/at. Jattihundi, Yelwala hobli Mysuru district is produced before the Court through PC No.421 of K.R.Nagar, P.S. under nonailable warrant at about 01.05 pm.

On enquiry the accused submits he has arrested at 8.30 A.M today. Sri DN advocate seeking permission to obtain signature from the accused in the vakalath. Accordingly, permission is granted. He files vakalath and bail application U/s 436 of Cr.P.C and 70(2) of Cr.P.C.

The offence punishable under Section 138 of NI Act isailable in nature. Accordingly, accused is released on bail subject to the condition that, he shall execute personal bond of Rs.10,000/- for the like sum and shall appear before this court on all hearing dates.

Surety by name Sri.Gangadhara.M S/o Mahadevegowda, Aged about 40 years, R/at Jattihundi village, Yelwala hobli, Mysuru taluk is present. He has sworn his affidavit, and produced RTC in respect of his land bearing Sy.No.23 to an extent 2 guntas situated at Kumarabeedu village, Yelwala hobli, Mysuru taluk and xerox copy of Aadhar Card. He is offered as surety to the accused. Surety is accepted.

Office is directed to take Bond from accused as well as surety.

In view of granting bail, NBW issued against the accused is hereby recalled on subject to penalty of Rs.200/-.

Substance of accusation stated to the accused and he asked whether he pleads guilty or has any defence to make. However, the accused pleads not guilty and submits he has defense to make.

The sworn statement of the complainant filed by him during per-summoning stage is considered as the evidence of the complainant as per the decision of the Hon'ble Supreme Court rendered in the case of **Indian Bank Association and others versus Union of India and others** (2014) 5 SCC 590 and also as per the observations made by our Hon'ble High Court in the case of M/s. Mesh Trans Gears Private Limited versus Dr. R.Parvathreddy ILR 2014 KAR 5237. Though, there is no stage and necessity to mark the documents. The cheque bearing No.868711 dated 02-02-2024 for Rs.5,00,000/- drawn on Canara Bank, Mysuru branch is marked as Ex.P-1, sign of accused as Ex.P-1(a), One Bank endorsement is marked as Ex.P-2, Legal notice is marked as Ex.P-3, postal receipt as Ex.P-4 and unserved postal cover is marked as Ex.P-5 and notice is marked as Ex.P-5(a) for the purpose of identification and also to enable the accused to know about the documents relied by the complaint.

Statement of the accused is recorded U/s 313 of Cr.P.C. Accused has chosen to lead his evidence.

Accused has not filed U/Sec.145(2) of N.I. Act seeking permission for cross examination of PW-1. Hence, case posted for defense evidence.

For defense evidence, call on 22.11.2024.

Sr CJ and JMFC.,
K.R.Nagar.