

PCR 709/2022

case called out complainant is present. Counsel for complainant is also present. Heard arguments.

:-ORDER:-

This is a private complaint filed by the complainant U/s 200 of Cr.P.C for the offense punishable U/s 138 of NI Act.

On perusal of the complaint and documents, there are prima-faice materials to take cognizance for the offence punishable U/s 138 of NI Act. Hence, cognizance for the said offense is taken. The complainant is accompanied by the sworn statement.

In view of the decision of the Honb'le Supreme Court in a case between Indian Bank Association V/s Union of India reported in AIR 2015 SC 2528 and in view of the order passed in WP. No.7338/2020 dated 03-06-2020 by the Hon'ble High Court of Karnataka the sworn statement of the complainant is not necessary, If the complaint is accompanied by affidavit.

The complainant has filed original cheque dated 29-08-2022 drawn on Pragathi Krishna Gramin Bank, Gunderi Branch, Chitradurga, memo issued by the Karnataka Bank Ltd., on 30-08-2022 the Legal notice dated 07-09-2022, postal receipt, Professional couriers, Track and track copy and copy of General power of attorney. The complainant has complied all the statutory requirement contemplated U/s 138 of NI Act. From the complaint and documents produced by the complaint reveals that in spite of issue of legal notice the accused has field to pay the cheque amount. Hence, sworn statement of the complainant dispensed with. Accordingly, this court proceeds to pass the following order.

:-ORDER:-

office is hereby directed to registered the criminal case in register No.III against the accused for the offence punishable U/s 138 of NI Act.

Issue summons to the accused through RPAD of the complainant compliance sub section 2 to 4 section 204 of Cr.P.C. Returnable by **2-12-2022.**

Sd/-,

**III Addl. Civil Judge &
JMFC., Davanagere.**