

Accused and complainant present.

Counsel for both parties present.

For plea.

Accusation prepared separately, read over and explained to the accused.

Accused pleaded not guilty for the offence punishable u/s.138 N.I.Act and he claims to be tried.

Heard.

As per sec.143 of NI Act, the offence punishable u/s.138 of NI Act is triable under Chapter-XXI of Cr.P.C. i.e., Summery Trials.

Substantial numbers of cheque bounce cases are pending before this court. If the summery procedure is followed, the trial shall be concluded within six months. In my personal experience no case under N.I Act. concluded within six months on merits. Usually parties also seek time on the ground of likelihood of settlement. As per sec. 145 of N.I. Act complainant can file evidence affidavit, which saves the valuable time of the court. If the summary procedure is adopted parties shall lead their oral evidence as the affidavit evidence is not permissible under summary trial (chapter -XXI) of

**C.C No.24/2023**

Cr.P.C). Premature transfers of presiding officer leads to de-novo trial. In summons trial, adequate sentence can also be imposed on accused in the event he convicted.

Under these circumstances, I am of the opinion that to avoid future technical defects, this case shall be tried as summons case. Keeping in view of law laid down in Smt.Shobha V/s Dr.Krishnoji Rao reported in ILR 2013 Kar.3529 & by exercising powers conferred u/s.143 of N.I Act, I proceed to pass the following.

**ORDER**

This case shall be tried under Chapter-XX of Cr.P.C., i.e. Summons Trial.

For 313 statement.

**Civil Judge & JMFC.,  
T.Narasipura.**

For 313 statement.

Incriminating circumstances, in compliance of Section 313 of Cr.P.C, as appeared against the accused prepared vide a separate questionnaire, explained it to the accused in vernacular and their statement is recorded. The accused has chosen to lead defense evidence.

**C.C No.24/2023**

For cross of PW1.

Call on 27.08.2024.

**Civil Judge and JMFC.,  
T.Narasipura.**