

PCR 68/2026.

Complainant and counsel for complainant are present. Complainant filed sworn statement by way of affidavit and examined as PW-1 and got marked documents as Ext.P-1 to Ext.5. Heard the arguments.

ORDER ON ISSUE OF PROCESS

The complainant has filed complaint against the accused for an offence punishable U/Sec. 138 of NI Act. The complainant and counsel for the complainant present and complainant has filed sworn statement by way of affidavit and relied the documents filed along with the complaint and he examined as PW-1 and documents got marked as Ex.P-01 to Ex.P-05. The documents produced by the complainant and the averments of sworn statement placed on record, prima-facie discloses that, the complainant has complied the mandatory provisions under the NI Act, regarding offence under Section138 and made out prima-facie grounds in his favour for issuance of process against the accused for the alleged

offence. As per Section 223 of BNSS, it reveals that, no cognizance of an offence shall be taken by the Magistrate without giving opportunity to the accused, but as per section 142(1) of NI Act clearly states that, notwithstanding anything contained in the Code of Criminal Procedure 1973, it means new Bharathiya Nagarika Suraksha Sanhitha 2023. Therefore, the issuance of notice to the accused before taking cognizance not applicable to taking cognizance U/sec. 138 of NI Act, hence the following:

O R D E R

Cognizance is hereby taken for an offence punishable U/s.138 of NI Act, against the accused. Office is hereby directed to register the case against the accused in register No.III for an offence punishable U/Sec.138 of NI Act. Issues summons to the accused through RPAD as well as through Court, PF and RPAD furnished. Call on 02-05-2026.

II Addl. Civil Judge and JMFC
Magadi

