

PCR No.59/2026

The Hon'ble Supreme Court in the case of Sanjabij Tari V/S Kishor S. Borcar reported in 2025 SCC online SC 2069 and in the case of Inre:Expeditious trial of cases U/s 138 of NI Act reported in (2021) 16 SCC 116 has issued practice guidelines for complaints filed u/s 138 of NI ACT R/w 223 of BNSS.

After complaint is filed, if the documents are found to be in order and if the complaint is accompanied with affidavit, the said affidavit shall be treated as Sworn statement and the supporting documents is required to be exhibited in serial order. Even if the accused person resides outside the jurisdiction of the court, enquiry as contemplated u/s 225 of BNSS or 202 of Cr.PC is not required. From consideration of the above practice guidelines enumerated

in the above decisions, if the complainant has appeared with all the documents in support of his case with affidavit on the day of presentation of complaint registering a PCR does not arise.

Therefore, in compliance of the guidelines issued in the above cases by the Hon'ble Supreme Court this court has verified the affidavit and documents filed along with the complaint. The affidavit filed along with the Complaint is treated as sworn statement. The complaint is filed within the period of limitation as prescribed u/s 142(2) of the NI Act and therefore issuance of notice to the accused person is not necessary. The documents produced by the complainant are found to be in order. The documents prima facie show that the requirement u/s 138 (a) to (c) of the NI Act have been duly complied. Since

documents filed along with the complaint are required to be marked, this court proceeds to mark the same as follows:

Cheque dated 31.12.2025 bearing cheque No.607336 drawn on SBI Bank, Kanka Temple Road Branch, Magadi is marked as Ex.P.1.

Since the complainant has identified signature found upon Ex.P.1 as the signature of the accused person the same is marked as Ex.P.1(a).

Bank endorsement dated 03.01.2026 is marked as Ex.P.2.

Office copy of the legal notice dated 06.01.2026 is marked as Ex.P.3.

Postal receipt is marked as Ex.P.4.

Computerized Postal tracking report is marked as Ex.P.5.

The complaint, affidavit and Ex.P 1 to 5 are found to be in order. Cognizance of offence p/u/s 138 of NI Act is hereby taken.

Office keep Ex.P 1 in safe custody.

Office to register the case in register of criminal cases as required under the Karnataka Criminal Rules of Practice, 1968 and put up with order sheet on 15.06.2026.

I Add. Civil Judge & JMFC.,
Magadi