

**CRIMINAL ENQUIRY
NO. 845/2026**

**Complainant : Parshva Plast World through Jaymeen
Shah**

vs.

**Accused : Medipack Solution pvt Ltd
Sumit Yadav**

ORDER BELOW EXHIBIT – 1:

Read the complaint filed under Section 138 of the Negotiable Instrument Act, 1881 (“the Act” for short), affidavit under section 145 of the Act and the documents annexed therewith.

Read the decisions of Hon'ble Supreme Court of India in **Indian Bank Association & Others Vs. Union of India & Others, (2014) 5 SCC 590** which directs that on the day when the complaint is filed, the Magistrate shall scrutinize the complaint and if the complaint is accompanied by the affidavit & the documents and if they are found to be in order, court can take cognizance of the offence by issuing summons.

Furthermore, the Hon'ble Apex Court in **Suo Motu Writ Petition (Cri.) No.2/2020** has also held that when an accused resides beyond the territorial jurisdiction of the Court, an inquiry, on receipt of the complaint, shall be conducted, which may be held on the basis of affidavit and in suitable cases, the Court can restrict the inquiry to examination of documents without insisting for examination of witness. Meaning thereby, if the affidavit and examination of documents filed with the complaint are found in

order, cognizance can be taken without examining witness, relying on the affidavit & the documents.

A bare reading of the complaint, affidavit in evidence and the documents makes it evident that, *prima facie*, ingredients of the offence under Section 138 of the Act are attracted. Perusal of the record also indicates that the complainant maintains account at HDFC Bank, Makarpura Branch, Vadodara and the cheque is dishonored for “Funds insufficient”. Therefore, this Court has jurisdiction. As the complaint, the affidavit and the documents are found in order, this Court is of the view that cognizance of the offence can be taken by issuing summons.

Accordingly, **the complaint is ordered to be registered as Criminal Case**. Summons under section 227 of the Bhartiya Nagarik Suraksha Sanhita 2023 is ordered to be issued against the accused for the offence under Section 138 of the Act. Summons be issued in the prescribed form as per the direction of the Hon'ble Apex Court in Indian Bank Association (supra) and Circular issued by the Hon'ble Gujarat High Court in view of circular No. 2619/2018. In addition to normal mode of service, the complainant is also permitted to serve the summons through R.P.A.D.

Next Date:05.09.2026

Place : Vadodara
Date : 10.08.2026

Ms Shipra Sayal
8th Addl JMFC