

Case called out.

The complainant is present and filed affidavit in lieu of examination in chief and examined as PW 1 and got marked Ex.P-1 to Ex.P-5. Heard, learn counsel for complainant.

Civil Judge and JMFC.,  
Byadgi

**ORDER**

The complainant has filed this complaint U.sec. 200 Cr.PC. Against the accused for the offence punishable U.sec. 138 of NI Act. Complainant present and files his affidavit in view of Sworn statement. Ex.P-1 to Ex.P-5 were marked . On scrutinizing the complaint and the documents produced before me. I found sufficient materials to proceed against the accused for the offence punishable U.sec. 138 of N.I. On going through the complaint averments and circumstances of the case it appears to this court that the nature of the case is such that the sentence of imprisonment for a term exceeding one year may have to be imposed. If the accused is tried summarily it may not be possible to award compensation out of the fine amount that may be imposed. Therefore, it is undesirable to try this case summarily. Further. If this case if

tried summarily, the evidence which is recorded by me cannot be acted upon by my successor in view of the bar Usec. 326(3) of Cr.PC. In the result I proceed to pass the following.

**ORDER**

The case is converted into summons case.

Register the case as CC in register no III C.C.R. against the accused for the offence punishable under section 138 of NI Act. Issue summons to accused by RPAD. Accused wants to plead guilty or has any defense to make. Office is hereby directed to keep the original cheque in the safe custody.

Returnable by: 06-07-2023.

Sd/-

Civil Judge and JMFC.,  
Byadgi