

The
complainant counsel present. The authorized
person of the Complainant Society by name
Sri. Maruti S/o. Madev Naik present. The
complainant counsel filed the affidavit of
the above authorized person in lieu of

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sworn statement.

Perused the records.

As per the direction of the Honble Apex
Court in Writ Petition (Civil) No.18 of 2013
between Indian Bank Association and others

V/S Union of India and others, I have carefully scrutinized the complaint, the complaint is duly accompanied by the affidavit and necessary documents. They are in order. The complainant has duly complied with all the necessary ingredients of Sections 138 and 142 of N.I. Act.

Now, this Court can proceed further to comply Sec. 225(1) of BNSS. As per Sec. 225(1) of BNSS, where the accused is residing at a place

beyond the area in which this Court exercises jurisdiction, it is mandate for this Court to postpone the issue of process against the accused and either this Court itself shall conduct inquiry or direct an investigation to be made by a Police Officer or by such other person as this Court thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding. However, where the accused is residing well within the area in which this Court exercises the jurisdiction, the compliance of Sec. 225(1) of BNSS is discretionary.

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In the interest of justice and as a matter of caution, notwithstanding the fact that where the

accused is residing, I am inclined to comply Sec.225(1) of BNSS, whether it is mandatory or discretionary. Further, as per the judgment of the Hon'ble 5 Judges Bench, of the Hon'ble Supreme Court in SUO MOTU WRIT PETITION (CRL). NO. 2 OF 2020, IN RE: EXPEDITIOUS TRIAL OF CASES UNDER SECTION 138 OF NI ACT 1881 has held "If the Magistrate holds an inquiry himself, it is not compulsory that he should examine witnesses. In suitable cases, the Magistrate can examine documents for satisfaction as to the sufficiency of grounds for proceeding under Sec. 202".

Needless to say Sec.225 of BNSS is the replica of Sec.202 of CrPC. Therefore, acting U/sec. 225(1) of BNSS., I have conducted the enquiry by myself by carefully examining all the documents and I have accorded satisfaction to myself that there are sufficient grounds for proceeding against the accused.

The office is hereby directed to register the case as criminal case against the accused for the offence punishable under section 138 of Negotiable Instruments Act in Register No.III.

Issue summons to the accused through Speed Post.

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The complainant is hereby directed to

furnish the copy of the complaint and his affidavit to the office. The office shall send both the copy of the complaint and the sworn statement along with the summons to the accused.

For appearance of accused by 30-04-2026.

Sd/-

Addl. Civil Judge & JMFC, Bhatkal