

PCR No 373/25

Case called out.

At this stage it is worth to refer the decision of **Hon'ble High Court of Karnataka in Aahmadin Criminal 101514/2025 Ashok V/s Petition ordered Fayaz No. dated 28.04.2025. The Hon'ble High Court of Karnataka, Dharwad Bench** as held that at Para No. 23 “sine Negotiable Instrument Act, 1881 is special enactment and in view of Section 5 of BNSS r/w. Section 143 of NI Act as far as the cases tried by the learned Magistrates under Section 138 of NI Act, **there is no need for the Magistrate to give an opportunity of being heard to the Accused before taking cognizance on the complaint of payee/holder in due course of cheque for the offence punishable U/sec. 138 N.I Act**”.

I have respectfully gone through above principle laid down by the Hon'ble High Court Karnataka, where it is held that, no notice is required to issue to the Accused before taking cognizance. Hence, on perusal of materials placed on record, at this juncture, this court is satisfied that there are prime-facie materials to proceed against the accused.

Accordingly, this Court proceeds to pass the following:-

ORDER

I have carefully gone through the complaint averments and annexed documents by perusal of the same prima facie sufficient material available to take cognizance for offence P/U/sec. 138 of NI Act, therefore **cognizance taken.**

Office is directed to register Criminal Case against the Accused for the offence punishable u/Sec. 138 of NI Act in the concerned register.

Hence, issue summons to Accused through RPAD along with Complaint and documents relied by the Complaint, if PF, necessary copies and postal covers furnished.

Returnable by : 24.04.2026.

Sd/-
C/c Prl. Civil Judge & JMFC.,
Honnavar.