

Case is advanced on board and called out.

Accused present.

Sri. G.C.D., advocate has filed vakalath for accused along with bail application U/Sec.478 of BNSS., along with application U/Sec.490 of BNSS., for the offense punishable U/Sec. 138 of NI Act.

Heard, perused the documents.

The alleged offense is punishable U/Sec. 138 of NI Act which is bailable in nature. Accused is ready and willing to execute personal bond.

Hence following:-

ORDER

Bail application filed U/Sec.478 of BNSS., is hereby allowed.

Accused is hereby directed to execute personal bond for Rs.30,000/- on the condition that accused shall be regular in attending the court on all the hearing dates.

Accused shall deposit cash security amount of Rs.6,000/-.

Office is hereby directed to take personal bond with cash security amount of Rs.6,000/-.

Office is hereby directed to take bonds accordingly.

Further, counsel for accused filed NBW recall application for accused U/Sec.72 of BNSS.

Heard and allowed on penalty of Rs.300/-.

SD/-

**Prl. Civil Judge & JMFC.,
Honnavar.**

The substance of accusation along with the entire particulars of the complaint are stated to the accused in kannada language known to him. Accused pleaded not guilty and submitted that he has defence to make.

Sworn statement of the complainant filed by him during pre-summoning stage is considered as the evidence of the complainant as per the decision of the **Hon'ble Apex Court reported in (2014) 5 SCC 590 Indian Bank Association and others vs Union of India and others.**

Hence sworn statement of the complainant which has been recorded as PW-1 is treated as his examination-in-chief in view of the decision of the **Hon'ble Apex Court reported in (2014) 5 SCC 590 Indian Bank Association and others vs Union of India and others.**

Accused has not filed application U/Sec.145 (2) of N.I. Act for seeking permission to cross examine of the complainant.

The statement of the accused under section 313 of Cr.P.C, has been framed and read over to the accused in kannada language known to him. The accused denied the incriminating statements appeared against him and submitted that he has defence evidence. **The Hon'ble Supreme Court of India in Indian Bank Association and others vs Union of India and others, reported in (2014)5 SCC 590,** under its 4th direction it was held that, "the court should direct the accused, when he appears to furnish a bail bond, to ensure his appearance during trial and ask him to take notice under section 251 Cr.P.C to enable him to enter his plea of defence and fix a case for defence evidence unless an

application is made by the accused under section 145(2) for recalling a witness for cross-examination." Therefore, in compliance of the direction of the Hon'ble Supreme Court of India, after completion of recording the statement of the accused under section 313 of Cr.P.C, the case is posted for defence evidence.

For defence evidence.

Call on: 20-11-2025.

**SD/-
Prl. Civil Judge & JMFC.,
Honnavar.**