

Case called out. Complainant and his counsel present. Complainant examined himself as C.W.1 and got marked Ex.C.1 to Ex.C.5.

**ORDER**

The complainant has filed this complaint against the accused under Section 223 of BNSS and Sec. 142 of NI Act for the offence punishable under Section 138 of N.I.Act. In the complaint it is alleged that accused has issued a cheque bearing number 845029 dated 26-12-2025 for a sum of Rs.1,07,540/- drawn on SBI Bank, Mundgod branch in favour of the complainant. However said cheque returned unpaid for the reason shown in the cheque return memo. Such being the case he complied the statutory requirements as per Section 138 of the Act and filed this complaint.

In support of the complaint, the complainant has given his sworn statement along with the documents in support of his case.

I have carefully perused the documents on record.

The Hon'ble HC of Karnataka in its Judgment between **Ashok S/o Siddappa Banakar V/S Fayaz Ahamad Aurangzeb Naikar in Crl. Petition No. 101514 of 2025** has observed that since the Negotiable Instruments Act is a special enactment, there is no need for the Magistrate to give an opportunity of being heard to the accused before taking cognizance on the complaint.

In view of the same, this Court proceeds to pass the following:

**ORDER**

Cognizance is taken for the offence punishable under Section 138 of N.I.Act.

In exercise of powers conferred under Section 223 of BNSS office is directed to register criminal case against the accused in Reg No.III for the aforesaid offence.

Office to keep the original cheque in safe custody.

Issue summons to the accused through speed post, if P.F and complaint copy are furnished.

**R/by 05.05.2026.**

Sd/-

Civil Judge and JMFC.,  
Mundgod.