

Complainant present and filed affidavit in lieu of his sworn statement and examined as PW 1 and got marked Ex.P 1 to 6, Ex.P 1(a). Heard, For orders.

This is a private complaint filed U/S 223 of BNSS for the offence punishable under section 138 of N.I.Act. The complaint is accompanied by the affidavit.

Perused the complaint. The complainant has filed the complaint against the accused for the offence punishable U/sec 138 of N.I. Act. In the support of the complainant's case, sworn statement of complainant has been recorded. The complainant has also produced the documents in support of his case i.e., Ex.P 1 to 6, Ex.P 1(a). The Ex.P.1 is the cheque and Ex.P 1(a) is signature of accused, Ex.P. 2 is the Bank Endorsement, Ex.P.3 is the legal notice, Ex.P.4 is the Postal receipt, Ex.P.5 is the Postal Acknowledgment, Ex.P.6 is the Authority letter. The material from record discloses that the cheque has been produced for encashment within time. The cheque is not encashed for the reasons of "Funds Insufficient" as per the bank endorsement. The complainant caused the legal notice to the accused after dishonour of the cheque receiving the bank endorsement within the time. The

complaint has been filed within the prescribed time under the statutory period and thereby the complainant prima facie made out all statutory ingredients to attract the offence punishable U/sec 138 of N.I. Act. Therefore, this Court is of opinion that the complainant has made out prima facie case U/sec 138 of the N.I. Act. Hence, I proceed to pass the following:

ORDER

By exercising the power conferred under Section 190(a), this court takes cognizance for the offence punishable u/s 138 NI act against the accused.

Office is directed to register case in Register No. III against the accused for the offence punishable U/sec 138 of N.I Act.

Prl. Civil Judge & JMFC., Karkala