

The Secretary of C/S and his counsel present. The complainant has filed an affidavit in lieu of sworn statement by re-iterating the averments of the complaint and his sworn statement recorded and documents produced by him was marked Ex.P1 to 7.

The counsel for the complainant prayed to treat the sworn statement as examination in chief.

As per the guidelines giving by the Hon'ble Supreme Court of India, in India Bank Association and other Vs UOI and another [2014(5) SCC 590], the sworn statement of affidavit can be treated as affidavit in lieu of examination in chief of the PW1.

Section 4(2) of BNSS reads as follows "All offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences". This indicates that,

when special act make special procedure no impediment to take cognizance against accused without hearing him.

The Section 142 of N.I Act contemplate when court shall take cognizance. Heard on cognizance.

**Order on taking cognizance**

After perusing the complaint and Ex.P1 to P.7. It is alleged by the complaint that, the accused has issued his cheque bearing No. 249488 dated 29-12-2025 for sum of Rs.67,000/- of Canara Bank, Bajagoli Branch.

The cheque was presented for encashment, it was dishonored with an endorsement 'Funds Insufficient' dated 30-12-2025.

Despite service of demand notice dated 13-01-2026 to the accused person on 20-01-2026, he has not paid the cheque amount.

There is no delay, the complainant has filed the complaint within the statutory period. Therefore the complainant has made out prima facie case against accused and the

ingredients of Section 138 of NI Act are met. Hence this court proceed to pass the following:-

**ORDER**

By exercising the power conferred under Section 210 of BNSS, 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 (c/c)