

ಸಿವಿಲ್ ಜಡ್ಜ್ ಮತ್ತು ಜೆ.ಎಂ.ಎಫ್.ಸಿ. ನ್ಯಾಯಾಲಯ ಸಿಂಡಗಿ.

ಕ್ರಿಮಿನಲ್ ಪ್ರಕರಣ ಸಂಖ್ಯೆ 681/2019

ಪಿ.ಡಬ್ಲ್ಯೂಃ 2

ಸಾಕ್ಷಿಗೆ ದಿನಾಂಕ :01.02.2024 ರಂದು ಪ್ರಮಾಣೀಕರಿಸಲಾಯಿತು.

ಪಾಟೀ ಸವಾಲು ಮಾಡಲು ಕಾಲಾವಕಾಶ ಕೋರಿದ್ದು ಪಾಟೀ ಸವಾಲುಇಲ್ಲ ಎಂದು ತೆಗೆದುಕೊಳ್ಳಲಾಯಿತು.

(ಸಾಕ್ಷಿಯ ಹೇಳಿಕೆಯಂತೆ ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನನ್ನ ಉಕ್ತ ಲೇಖನಕ್ಕೆ ಗಣಕ ಯಂತ್ರದಲ್ಲಿ ಬೆರಳಚ್ಚು ಮಾಡಿಸಲಾಯಿತು.)

ಓ ಹೇ ಕೇ ಸರಿ ಅದೆ.

ಜೆ.ಎಂ.ಎಫ್.ಸಿ., ಸಿಂಡಗಿ

Pre- Cognizance

The present complaint is filed through the complainant counsel U/sec 200 and 2(d) of Cr.P.C. Perused the records and documents enclosed with the complainant. Hence pre cognizance is recorded.

Office is hereby directed to register the case as PCR and put up for sworn statement.

Civil Judge and JMFC,
Sindagi

Complainant is present. Filed his sworn statement and same is consider as affidavit as per the direction issued by the Hon'ble supreme court of Indian in Indian Bank Association V/S Union of India.

The complainant is examined as PW.1 and got marked. Ex.P.1 to 6 and Ex.P-1(a).

Civil Judge and JMFC,
Sindagi

ORDER ON COGNIZANCE

It is the complaint filed under Sec. 200 Cr.P.C., alleging that, the accused has committed the offence punishable under Sec. 138 of N.I. Act. The complainant has filed affidavit in lieu of oral sworn statement. In view of the direction issued by Honble Supreme Court in Indian Bank association Cited in AIR 2014 SC 2528, the complainant has filed affidavit by way of examination and got examined himself as P.W.1 and got marked **Ex.P.1 to 6 and Ex.P-1(a).**

The complainant coupled with the allegation made in the complaint and the documents produced by the complainant prima-facie establishes that, the cheque in question was issued for discharge of debt. On presentation of which returned without encashment for the reason **Funds Insufficient**. The amount covered under the cheque demanded by issuing notice, which is not complied by the accused. In view of presumption under Sec. 138 of N.I. Act, at this stage of the proceedings it prima-facie made out a trial case against accused for an offence punishable under Sec. 138 N.I.Act. Hence, there are reasonable grounds to proceed against the accused for trial for the said offence. Therefore, I proceed to pass following

ORDER

Office is directed to register the case against accused in Register No.III for the offence punishable under Section 138 of Negotiable Instruments Act.

CMO is directed to keep the cheque in the safe custody.
Issue Summons to accused through RPAD R/By

Civil Judge & JMFC, Sindagi