

Case called out.

ORDER

Complainant and his counsel present.

This is a private complaint filed against the accused U/sec 223 of BNSS for the offence punishable U/sec 138 of N.I. Act.

The complainant has filed his sworn statement by way of affidavit and relied on the documents filed along with the complaint and he examined as P.W.1 and Ex.P.P1 to 6, documents are marked. The documents produced by the complainant and the averments of sworn statement place on record, prima-facie discloses that, the complainant has complied the mandatory provisions under the N.I. Act regarding offence U/sec 138 and made out of prima-facie grounds in his favour for issuance of process against accused for the alleged offence, wherein when the present complainant is filed under Sec.223 of BNSS before taking the cognizance issuance of the notice to the accused is mandatory but the present case is filed for offence punishable U/Sec.138 of NI act. Hence, the Hon'ble High Court of Karnataka in one of the case held that, the cases filed U/Sec.138 of N.I.Act which is a special enactment for which the

proviso of Sec.223 BNSS is not applicable to the cases filed U/Sec.138 of N.I Act. Hence, this court proceeds to pass the following:

ORDER

Cognizance is taken for the offence punishable U/sec 138 of N.I Act against the accused.

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

Since, original cheque is in file. Office is hereby directed keep same in safe custody

Prl. CJ and JMFC.,
Sindagi.