

PCR 388/2022

ORDERS

On perusal of the record it appears that the complainant has filed an affidavit along with the complaint. Hence this court has directed the office to register the case as PCR and after registering the PCR, case is posted for recording sworn statement of the complainant.

2. This complaint has been filed alleging an offence P/U/S 138 of Negotiable Instruments Act. After perusal of the complaint and documents cognizance of the offence P/U/S 138 of Negotiable Instruments Act has been taken. The complaint is accompanied with affidavit, in view of the decision of the **Hon'ble Apex Court, in Indian Bank Association Vs. Union of India reported in AIR 2014 SC 2528**. The sworn statement of complainant is not necessary.

3. Perused the material on record. It is alleged that the accused had issued a **cheque bearing No.000024, dated 11-08-2022, HDFC bank, BC Circle, Kunchanakuppa gate, Bidadi branch, Bidadi**, for repayment of money borrowed by him. It is stated that the said cheque was presented by the complainant through his banker as **Canara bank, Maddur branch, Maddur taluk, Mandya district**, for collection and the said cheque was returned by the said bank with an endorsement, which reveals that the cheque has been dishonoured for the reasons **"Funds Insufficient"**.

4. On perusal of the documents and the material on record there is prima-

facie material to proceed. The complaint appears to be filed in time. In view of the sub section 2 of Section 142 of Negotiable Instruments Act as amended while the Negotiable Instruments (Amendment) Act, 2015. I am of the opinion that this court has jurisdiction to try this case. Hence, I proceed to pass the following...

ORDER

Register the Criminal case against the accused for the offence P/U/S 138 of Negotiable Instruments Act.

Issue summons to the accused both through court process and register post acknowledgment due if P.F. is paid along with postal cover and stamps.

R/by 16-06-2023

I ACJ & JMFC., Maddur.