

ORDER BELOW EXH.1 IN S.C.C.No. 1353/2025

1] Read complaint. Perused the affidavit of verification in support of the complaint. Heard learned counsel for the complainant. On perusal of the complaint, verification and the relevant documents produced on record, it prima facie appears that the cheque is within limitation therefore, statutory mandate of section 138 of N. I. Act seems to be complied.

2] However, accused appears to be resident beyond jurisdiction of this Court. Therefore, I reckon to postpone the issue process as per section 202 of the Cr.P.C / 225 of B.N.S.S against the accused and proceed to inquire the matter myself for the purpose of deciding whether or not there is sufficient ground to proceed against the accused.

3] In view of land mark case of ***Sunil Todi and Ors. Vs. State of Gujarat and Ors.*** Cri.Appeal No.1446/2021 decided on 03/12/2021 by Hon'ble Supreme Court, I have gone through the complaint, verification, affidavit and the documents. I find that prima facie offence punishable under section 138 of the N. I. Act is made out against the accused. Hence, I am of opinion to take the cognizance of offence against the accused for the offence punishable under section 138 of the N. I. Act.

ORDER

Issue process against the accused under section 204 of the Criminal Procedure Code, 1973 / 227 of the Bharatiya Nagarik Surksha Sanhita for the offence punishable under section 138 of the Negotiable Instruments Act.

Place :- Newasa
Date: 17/03/2026

(**Dr. P. R. Sugaonkar**)
Judicial Magistrate F.C.,
Court No.1, Newasa.