

MHAH180018502023



S.C.C. No.878/2023

Prerna Gramin

Vs.

Amol Takte

ORDER BELOW EXHIBIT-01

Perused the complaint, verification and documents on record. Perusal of the record shows that the cheque no. 009056 was issued by the accused in favour of the complainant on 09.05.2023. Said cheque was dishonoured and was returned unpaid by the bank with the remark “**Funds Insufficient**” on 23.06.2023. A Demand Notice was then issued by the complaint to the accused via R.P.A.D. on 10.07.2023. The notice was served to the accused on 10.07.2023. The complainant in his verification statement has stated that the accused has failed to pay the amount of the cheque despite of service of demand notice upon him. The present complaint was filed by the complainant u/s 138 of N.I. Act, 1881 on 10.05.2023.

Therefore, prima facie all the ingredients of section 138 of the N.I. act are satisfied. The presentation of the cheque, issuance of demand notice and filing of Complaint is within the period of limitation and at this stage, there are sufficient grounds to proceed further against the accused for the offence punishable u/s. 138 of the Negotiable Instruments Act. Hence, I pass the following order.

ORDER

Issue process against the accused under section 138 of the Negotiable Instruments Act,1881 vide section 204 of the Code of Criminal Procedure, 1973.

Date: 02.09.2023

[Mayursingh D. Gautam]
Judicial Magistrate First Class,
Court No.3, Rahuri