

Order Below Exh. 01 in S.C.C. No 69/2025

{Passed on 27th October, 2025}

Perused the contents of the complaint, affidavit of verification of the complainant, and the documents filed along with the complaint.

02. Heard Learned Advocate Shri. P. V. Gole for the complainant and considered his submissions.

03. On perusal of the material on record, it transpires that the cheque issued on 22/12/2024 and presented on 24/12/2024. The said cheque was dishonored for the reason "FUNDS INSUFFICIENT" and the return memo was received on 26/12/2024 from the bank. The demand notice issued on 10/01/2025 by R.P.A.D. on the address mentioned in the Adhar Card of the Accused. The concerned postman returned the said notice along with its envelope on 11/01/2025 with remark of "Address left" to the sender. Though, the accused refused to accept the notice, it is considered as having been served on him. Hence, the said notice was deemed to be served on the accused. The accused has failed to pay the cheque amount during the grace period of 15 days after service of notice. The complaint is filed on 15/02/2025 which is within the period of limitation.

04. On perusal of the aforesaid documents, it seems that the cheque in question was given by the accused to the complainant towards a legally enforceable debt or liability. Accordingly, the complainant appears to have made efforts to en-cash the cheque

amount. The concerned bank provided a cheque return memo to the complainant stating that the cheque was dishonored for the reasons mentioned above. Within the stipulated time, the complainant appears to have given a mandatory notice to the accused, asking them to make payment of the said amount within 15 days. According to the complainant, even after the service of the notice, the accused has not made payment of the cheque amount within the said period. Thus, it appears that the cause of action has accrued in favor of the complainant to file this case.

05. This Court is certainly having territorial jurisdiction to take cognizance of and try this case. I have verified the original cheque along with other documents. The present complaint is within limitation. Resultantly, at this juncture, *prima-facie*, it appears that all fundamental ingredients of the offence punishable under Section 138 of the Negotiable Instruments Act. Hence, it is fit case to issue the process against the accused for the said offence.

06. Therefore, Issue process against the accused for the commission of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, R/o. / /2025

Date:- 27/10/2025.
Place:- Jamkhed.

Sd/-
(Anushri B. Phand)
Judicial Magistrate First Class,
(Court No.02), Jamkhed