

S.C.C. No. 352 / 2024

Shri Kranti Sugar Vs.
Chandrakant Kadam

ORDER BELOW EXH.1.

Perused the complaint, documents placed on record & examination of complainant under section 200 of Criminal Procedure Code. Heard learned advocate for complainant on the point of issuance of process. Firstly, from the contents of complaint and the examination of complainant on oath, it appears that, the cheque in question was given by the accused to complainant towards legally enforceable debt or liability. Complainant appears to have made efforts to encash the cheque amount. There appears a Memo given by banker of accused that, the cheque in question is dis-honored for the reason mentioned in it. Within stipulated time, complainant appears to have given mandatory notice to accused asking the accused to make payment of said amount within 15 days. As per complainant, even after receiving the notice, accused has not made payment of cheque amount within said period. Thus, it appears that, the cause of action has accrued in favour of complainant to file this case. This Court is certainly having territorial jurisdiction to take cognizance of and try this case. Resultantly, at this juncture all fundamental ingredients of offence punishable under section 138 of the Negotiable Instruments Act are prim-facie appearing. Hence, I think it fit to issue the process against accused for said offence. In the result, I pass the following order:

: ORDER :

As per section 227(1)(a) of Bharatiya Nagarik Suraksha Sanhita, 2023, issue process and summons against the accused for the offence punishable under section 138 of The Negotiable Instruments Act.

Place:- Parner.
Date:- 09.03.2026

(M. C. Shaikh)
Judicial Magistrate, First Class.
Court No.1, Parner.