

ORDER BELOW EXH.01 IN S.C.C.NO. 1212/2022
(CNR No. MHAH250030202022)

I have gone through the complaint and affidavit of verification of the complainant at Exh. 03. On the perusal of complaint, it revealed that accused is resident at a place beyond the territorial jurisdiction of this court. Section 202 of the Code of Criminal Procedure makes it obligatory upon the Magistrate that before summoning the accused residing beyond his territorial jurisdiction to inquire into the case himself, or direct investigation to be made by police or such other person as he thinks fit for ascertaining whether there is sufficient ground to proceed against accused. Therefore, matter was kept for inquiry as per section 202 of the Code of Criminal Procedure.

2. In pursuance of those directions, by filing pursis at Ex.05, the complainant submitted that his verification and documents filed alongwith the complaint be considered as his evidence while inquiry as per section 202 of Cr.P.C.

3. I have gone through the allegations of the complainant made against accused. The allegations go to show that accused had issued cheque of Rs. 2,58,800/- dated 13/09/2022 as against liability of repayment of as against cattle feed business. It appears that said cheque was dishonored on 16/09/2022 for reason 'Funds insufficient'. It appears that the complainant had issued notices to accused on 13/10/2022 directing to make payment of said cheque amount. The said notice was received by accused on 15/10/2022. However, accused did not pay cheque amount.

4. I have gone through the documents filed on record. The offence punishable under section 138 of the Negotiable Instrument Act is documentary in nature. On the perusal of allegations in the complaint as well as documents filed in support of the allegations, it appears that accused is running cattle feed business and cheque issued by him is returned unpaid. Prima facie, it appears that the ingredients of offence punishable under section 138 of the Negotiable Instrument Act are satisfied. Hence, issue process against accused for the offence punishable under section 138 of the Negotiable Instrument Act.

Dated : 16/01/2023

(R.K.Deshpande)
Judicial Magistrate, First Class,
Parner.