



ORDER BELOW EXH.1
(Dated : 09/09/2021)

Perused the complaint and documents filed on the record. According to the complainant the accused has issued the cheque in discharge of his legal liability and it has been dishonored. In spite of issuance of legal notice the accused failed to pay the cheque amount and thereby committed an offence punishable under Section 138 of Negotiable Instrument Act.

Heard learned advocate for the complainant. On perusal of the documents filed on record, it appears that the cheque bearing No.014791 for the amount of Rs.60,500/- dated 02/02/2021 was given from the Central Bank Amravati, Branch Karajgaon to the complainant by non applicant and it was presented for encasement on 08/02/2021 it is returned on 18/02/2021 with the remarks of "Funds Insufficient". Thereafter accused has issued demand notice dated 04/03/2021. It was served on 06/03/2021. The complainant thereafter filed complaint on 19/04/2021. It is therefore appeared to be filed within limitation. The contention in the complaint are duly supported by the documents produced along with list of document. Hence, the complainant has made out prima facie case against the accused, hence following order is passed :-

1. Process be issued against accused for the offence u/sec. 138 of N.I.Act on p.f.
2. Accused is at liberty to recall the complainant for cross-examination, if he wishes by filing application u/sec. 145(2) of N.I.Act, on his appearance.
3. In case of failure to recall the complainant, the case will be posted for recording statement of accused u/sec. 313 of Cr.P.C.

Dtd. 09/09/2021

(S.S.Chhallani)
Judicial Magistrate First Class,
Court No.2, Chandur Bazar