

ORDER BELOW EX. 1

Perused the complaint, verification of complainant and examination of complainant under section 223 of Bharatiya Nagarik Suraksha Sanhita. Heard the learned counsel for complainant at length. On perusal of contents of complaint, documents filed alongwith it and verification statement of complainant i.e. affidavit of complainant and after holding inquiry by looking into the affidavit of complainant and the documents filed alongwith complaint as contemplated u/sec. 225 of B.N.S.S. to determine if there is enough evidence to proceed, rather than immediately issuing summons.

It would be worthwhile to make reference to the authority of Hon'ble Supreme Court in the case of ***Renuka Vs. State of Maharashtra and others 2026 Legal Eagle 305***, in which Hon'ble apex Court held that at the stage of issuance of process u/sec. 138 of N.I. Act, the Court must be satisfied only with basic ingredients such as issuance, dishonour of cheque, statutory notice and filing within limitation.

On holding inquiry u/sec. 225 of B.N.S.S. and considering the material on record the offence punishable under section 138 of Negotiable instrument Act, 1881 is specifically made out in complaint and it sufficiently discloses commission of offence by accused hence issue process against the accused for offence punishable under section 138 of Negotiable instrument Act, 1881 under 227 of the Bharatiya Nyaya Sanhita, 2023.

02- V.P.-filed.

03.- List of documents- (seen),

04. Address memo- (seen)

05. Evidence Affidavit (R. & R.)

06. Cheque (R. & R.)

07. Cheque return memo (R. & R.)

08. Legal notice (R. & R.)

09. Sealed envelope (R. & R.0

10. Complaint to Police Station Harsool (R. & R.0

Place:- Aurangabad.

Date:- 30.07.2026

(**C. H. Kulkarni**)

Additional Chief Judicial Magistrate ,
(Court No.13), Aurangabad