

**ORDER UNDER SEC.204 OF THE CODE OF CRIMINAL PROCEDURE,
1973.**

Order below Exh.1 in Sum.Cri.Case No.1036/2024.

- 1) This is a complaint filed for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the Act of 1881').
- 2) Perused the complaint, verification statement of the complainant Shankar Vishnu Kale, on oath in the form of affidavit, documents filed along with the complaint.
- 3) Heard the learned advocate **Shri. B. J. Chavan**, for the complainant on the point of issuance of process. Firstly, it appears that the accused has given the cheque in question to the complainant on 13.08.2024 drawn on State Bank Of India, Branch-Kannad, bearing **Cheque No.000007**. Complainant appears to have undertaken efforts to encash the cheque. There also appears a Memo given by Bank authorities where the cheque was presented for encashment wherein it is mentioned that the cheque has been dishonoured due to reason '**No Arrangement**'.
- 4) The complainant appears to have given mandatory notice on 11.10.2024 to the accused within stipulated time under the Act of 1881 asking him to make the payment of the cheque amount within 15 days. As per complaint, even after the receipt of the notice by the accused, the accused has failed to make the payment within 15 days.
- 5) Thus, it appears cause of action has arisen in favour of the complainant in order to enable him to file the case. From the contents of the complaint and examination of complainant, *prima-facie*, it appears that the cheque was given by the accused towards legally enforceable debt or liability. Resultantly, at this juncture, all fundamental ingredients of the offence punishable under Sec. 138 of the Act of 1881 are satisfied. The complaint

is also supported by the affidavit of the complainant. Hence, I proceed to pass the following order:

ORDER

Issue process against the accused Sharif Bhikan Pathan for the offence punishable under Section 138 of Negotiable Instruments Act 1881 returnable on next date.

Date:02.12.2024

Place : Kannad.

(Katkara Vijaya N.S)

Judicial Magistrate, F.C.,

(Court No.3) Kannad

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word as per the judgment/order.

Name of Stenographer	:-	R. S. Takalkar
Name of Court	:-	Katkar Vijaya N.S. 2 nd Civil Judge Junior Division & Judicial Magistrate First Class, Kannad, Dist- Aurangabad.
Date of Decision	:-	02.12.2024
Order Signed by the Presiding Officer on	:-	02.12.2024
Order Uploaded on	:-	02.12.2024
Order is Digitally Signed on	:-	02.12.2024
