

E-file

MHAU070061782025



S.C.C./947/2025

Sara Agro Services Vs. Nandu Tayde

**ORDER PASSED BELOW EXH.NO.1**

Perused the compliant, verification of the complainant. Having been infiltrated with the documents filed on record. i.e. the alleged dishonored cheque, bank memorandum, office copy of notice issued to the accused and its acknowledgment (if any). Cheque appears to be well within the limitation, statutory mandate of section 138 of Negotiable Instrument Act, seems to be complied.

2. However, accused appears to be resident beyond the area of jurisdiction of this court. Therefore, I reckon to postpone the issue process as per section 225 of BNNS. against the accused and proceed to inquire the matter myself for the purpose of deciding whether or not there is sufficient grounds to proceed against the accused for the offence alleged.

3. In furtherance of the inquiry under section 225 of BNNS. and in view of land mark case of **Sunil Todi and Ors. Vs. State of Gujrat and Anr. Cri. Appeal No.1446 of 2021, decided on 03.12.2021 by Hon'ble Supreme Court of India.** I advert to the complaint, verification of the complainant, affidavit filed by the complainant, documents filed with complaint and submissions of the complainant. I found that *prima-facie* offence punishable under section 138 of Negotiable Instrument Act, is made out against the accused. In view of order passed by the Hon'ble Apex Court in **Mis. Application no.29/2022 filed in smw (C) No.03/2020, dated.10.01.2022,** This complaint is within limitation. Hence, I am of

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candid opinion to take the cognizance of offence against the accused for the offence punishable under section 138 of Negotiable Instrument Act. Hence, I reckon to pass following order :-

**ORDER**

Issue process against the accused as per section 225 of BNNS. for the offence punishable under section 138 of Negotiable Instrument Act. Said summons be issued to the accused at the cost of complainant through RPAD and Speed Post.

Date: 09/09/2025  
Gangapur

(P.B. Patil)  
Judicial Magistrate F.C,  
Gangapur-2