

MHAU110007582025



ORDER BELOW EXH – 01

Perused the complaint, documents and examination of complainant under *section 200 of Criminal Procedure Code*. Heard learned advocate for complainant on the point of issuance of process.

2. Firstly, from the contents of complaint and the examination of complainant on oath, it appears that, the cheque in question was issued towards legally enforceable debt or liability. Complainant appears to have made efforts to encash the cheque amount but it was dishonoured. The complainant issued demand notice within stipulated time, asking the accused to make payment of said amount within 15 days. As per complainant, even after receiving the notice, accused has not made payment of cheque amount within said period. Thus, it appears that, the cause of action has accrued in favour of complainant to file this case.

3. This Court is certainly having territorial jurisdiction to take cognizance of and try this case. Resultantly, at this juncture all fundamental ingredients of offence punishable under section 138 of the Negotiable Instruments Act are prima facie made out. List of witnesses is also filed on record. Hence, I think it fit to issue the process against accused for said offence. In the result, I pass the following order;

ORDER

i) As per **section 204 (1) (a) of the Code of Criminal Procedure**, issue process and summons against the accused for the offence punishable under **section 138 of The Negotiable Instruments Act**.

Dt. 07.08.2025

(Dr. R.S. Kulkarni)
Judicial Magistrate First Class,
Phulambri

CERTIFICATE

I affirm that the contents of this P.D.F. File Order are same, word to word, as per the original Order.

Name of the Stenographer	:-	Swapnil Bhaskar Jadhav
Court	:-	CJJD & JMFC Phulambri.
Date	:-	07.08.2025
Order signed by the Presiding Officer on	:-	07.08.2025
Order uploaded on	:-	07.08.2025