

SCC NO.1226/2025
Shriram vs. Baban

ORDER BELOW EXH. 1

- 1) The complainant filed this complaint against the accused under u/s. 138 of the Negotiable Instruments Act.
- 2) I perused the complaint, verification of the complainant and documents on record.
- 3) Heard Ld. Advocate Shri.R.K.Gavte for the complainant.
- 4) **The Hon'ble Supreme Court in case of Sanjabij Tari Vs. Kishore S. Borcar and anr. Cri.Appeal No.1755 of 2010 decided on 25.09.2025, it is held that, there shall be no requirement to issue summons at the pre-cognizance stage to the accused in terms of Section 223 of Bhartiya Nagrik Surakhsha Sanhita, 2023 in the complaint under Section 138 of N.I.Act.**
- 5) The complainant filed this complaint under Sect.138 of the Negotiable Instruments Act. Therefore, in view of above judgments, there is no any need to hear the accused before taking cognizance.
- 6) In this complaint, the complainant made out a prima

facie case against the accused. There are sufficient grounds for proceeding against the accused for the offence punishable u/s. 138 of the Negotiable Instruments Act. Hence I pass following order:

ORDER

Issue process against the accused for the offence punishable u/s 138 of the Negotiable Instruments Act, R/o. 08/01/2026.

Sd/..

(D.N.Chamle)

Addl. Chief Judicial Magistrate,
Majalgaon.

Date : 01/12/2025

Dictated, Transcribed, checked, Signed and Uploaded on :
01/12/2025

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

Name of Steno : Smt.P.P.Andurkar

Name of Court : Jt. Civil Judge, Senior Division, Majalgaon

Sd/-
Stenographer (Grade-II)
Majalgaon.