

Cri.M.A. No. 529/2019
Yashwant Vs. Rohidas + 1
CNR-MHDH05-001469-2019

Order below Exh. 1

The complainant has filed the complaint for the offence punishable under section 134 of the Negotiable Instruments Act, 1881 against two accused.

2. In complaint para No. 1, it has been contended that the complainant transferred amount of Rs. 50,000/-, Rs. 30,000/-, Rs. 19,000/-, Rs. 1,000/- amounting to Rs. 1,00,000/- in the joint account of both the accused. Again, the complainant gave Rs. 2,77,000/- in cash to accused (here the complainant do not specify that he gave cash to both the accused or any of the accused).

3. The complainant has filed original cheque on record. I perused it. It bears only one signature as against the two names of the accused as appearing on cheque. Therefore, I inquired with the learned advocate for the complainant that the cheque appears to be defective for not bearing signatures of both the joint account holders. Thereon, he explained relying upon memo issued by I.D.B.I. Bank. In that memo the cheque has been dishonoured for the reason that funds were insufficient and not for the reason that the cheque does not bear signature of both the joint account holders. I find prima facie substance in it.

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4. The complaint is supported with affidavit. I perused entire documents. The accused are resident of Kotamgaon, Tal. Niphad, Dist. Nashik. Thus, the accused are not resident of a place within the jurisdiction of this court. Therefore, in view of section 202 (1) of the Code of Criminal Procedure, 1973, I hereby postpone issue of process against the accused and hereby order concern Police Officer to carry investigation and submit report.

Date – 01.02.2020

(R.S. Wankhede)
Judicial Magistrate, First Class,
Sakri.

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-.: CERTIFICATE:-

I certify that the contents of this PDF File are word to word as per Original Judgment /Order .

Name of the Steno :- Mahendra L. Sonawane

Name of the Court :- C.J.J.D. & J.M.F.C., Sakri.

PDF Uploading Date :- 04.02.2020.

Sd/- xxx
Stenographer.