



IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
ARMORI, DIST. GADCHIROLI
(Presided Over by Ajit B. Madke)

S.C.C. No.94/2023

E-filing

Shubham Ashok Nimbekar

Age 29 Years, Occu. Contractor,
R/o, Ward No.3, Armori,
Tah. Armori, Distt. Gadchiroli.

... **Complainant**

Vs.

Prashant Manohar Motwani,

Age 39 Years, Occu. Contractor,
R/o, Ward No.5, Armori,
Tah. Armori, Distt. Gadchiroli.

... **Accused**

Order below Exh.12

(Passed on 03.02.2024)

This is an application at the instance of the accused praying for discharge on the ground that the complainant has not made out prima facie case and the alleged agreement between the complainant and the accused is fabricated.

2] The complainant has filed his say and opposed the application for the reason that the complainant has made out prima facie case and therefore process is issued against accused. It is submitted that the application for discharge on the part of accused is not tenable and therefore same may be rejected.

..2..

3] Heard. Perused the record. The complaint is filed under section 138 of the Negotiable Instrument Act. There is no provision under the Negotiable Instrument Act, 1881 for discharge of accused. Section 143 of the Negotiable Instrument Act, 1881 provides for summary trial and sections 262 to 265 of the Code of Criminal Procedure, 1973 is applicable of such trial. There is no procedure with respect to power of the Court to discharge the accused in summary trial or the summons trial. Accordingly the application is liable to be rejected. Hence, I pass following order.

Order

Application is rejected.

Ajit B. Madke

Date : 03.02.2024

(Ajit B. Madke)
Judicial Magistrate First Class,
Armori.