

Summary Criminal Case No. 815/2026

**HDFC BANK LTD
Vs
SALMA MOHASIN MAHABARI**

Exh.1	-	Issue process against the Accused persons Under section 138 of N.I. Act
Exh.2 V.P.	-	Filed
Exh.3 List of Documents	-	Filed

Date : 02/07/2026

**(N.R. Bhalgat)
6th C.J.J.D. & J.M.F.C., Kolhapur**

ORDER BELOW EXH. 1 IN S. C. C. NO.815/2026

Perused the complaint, 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 the Act seems to be complied.

1. 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 227 of B.N.S.S. 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.

2. In furtherance of the inquiry under section 227 of B.N.S.S. 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 NI Act is made out against the accused. Hence, I am of candid opinion to take the cognizance of offence against the accused for the offence punishable under section 138 of NI Act. Hence, I reckon to pass following order -

ORDER

Issue process against the accused as per section 227 of B.N.S.S. for the offence punishable under section 138 of NI Act. R/o.29/08/2026. Said summons be issued to the accused at the cost of complainant through RPAD & Speed post.

Kolhapur.
Date : 02/07/2026.

(N.R.Bhalgat)
6th Judicial Magistrate First Class,
Kolhapur