

S.C.C. No.443/2025
Sharad Anandrao Patil
Vs
Veerbhadra Basayya Hiremath

ORDER BELOW EXH.1

- 1) Perused the complaint, verification filed by the complainant and other relevant documents on record. The complainant has filed the present complaint under section 138 of Negotiable Instruments Act 1881 (NI Act).
- 2) On perusal of Exh.1 it appears that the accused is resident of place outside the jurisdiction of this Court. I have conducted an inquiry under Sec.225 (1) of Bharatiya Suraksha Sanhita 2023/ Sec. 202 (1) of Code of Criminal Procedure.
- 3) On perusal of the record, it appears that the impugned cheque was drawn by accused in discharge of legally enforceable liability. It was dishonored and returned with remark "Funds Insufficient". The complainant sent demand notice to the accused on 09/12/2024. The said notice returned with remark "unclaimed" on 19/12/2024. The present complaint is filed on 03/02/2025. The complaint is within limitation. The material ingredients to constitute the offence punishable under section 138 of NI Act are prima facie made out against the accused. Hence, the following order is passed;

ORDER

Issue summons against the accused for the offence punishable under section 138 of NI Act, returnable on 20/08/2026.

Date: 13/07/2026.
Place: Ichalkaranji.

Sd/-
(M.S. Gawade)
Judicial Magistrate F.C. (Court No.5),
Ichalkaranji.