

S.T.C. No. 468/2026
Mahalxmi Traders
Vs
M. M. Traders.

Order Below Exh. 1

Perused complaint and verification affidavit (Exh. 4). Heard learned Advocate for the complainant. Perused documents filed along-with list of documents (Exh. 3). Accused is resident of beyond territorial jurisdiction of this Court.

02. As per the circular dated 27.01.2022 issued by the Hon'ble Bombay High Court and in compliance of the order of Hon'ble the Supreme Court of India dated 16.04.2021 passed in **Suo Motu Writ Petition (Criminal) No. 2/2020 titled "In Re: Expeditious Trial of Cases under Section 138 of Negotiable Instrument Act 1881"**, when on receipt of any complaint under Section 138 of the Negotiable Instruments Act, 1881, wherever it is found that any accused is resident of the area beyond the territorial jurisdiction of the Magistrate concerned, **an inquiry shall be conducted by the Magistrate to arrive at sufficient grounds to proceed against the accused** as prescribed under Section 225 of Bharatiya Nagarik Suraksha Sanhita, 2023.

03. It is also directed that while conducting any such inquiry under Section 225 of Bharatiya Nagarik Suraksha Sanhita, 2023, the evidence of witnesses on behalf of the complainant shall be permitted to be taken on affidavit. In suitable cases, the Magistrate may restrict the inquiry to examination of documents without insisting for examination of witnesses for satisfaction as to the sufficiency of grounds for proceeding under the said provision.

04. The impugned cheque was presented for realization at Ichalkaranji. In view of enquiry under Section 225 of Bharatiya Nagarik Suraksha Sanhita, 2023 and after examination of documents, prima facie, ingredients of offence under Section 138 of the Negotiable Instruments Act, 1881 are attracted against accused and I am satisfied that there is sufficient ground for proceeding against the accused. Hence, I pass the following order.

ORDER

- (1) Issue process against the accused under Section 138 of the Negotiable Instruments Act, 1881 vide Section 227 of Bharatiya Nagarik Suraksha Sanhita, 2023, read with Section 142 of the Negotiable Instruments Act, 1881.
- (2) Returnable on

Date :- 10.03.2026

(Akshay R. Kulkarni)
Judicial Magistrate First Class,
Court No. 4, Ichalkaranji.