

ORDER BELOW EXH. NO. 1 IN S.C.C.No.476/2026

This is a private complaint alleging commission of offence punishable under section 138 of the Negotiable Instrument Act at the hands of accused. Perused complaint, verification of complainant and the documents filed on record. Heard learned Advocate for complainant.

02. The proceeding prima-facie indicates that the complainant received the cheque in question, which was presented for encashment but could not be honored. The demand notice was also issued on the address of the accused within time. Despite having the knowledge of said notice, the accused failed to repay the cheque amount within the statutory period.

03. On perusal of complaint it reveals that, accused is residing outside jurisdiction of this Court. Read the Section 202 of the Cr.PC. (Section 225 of the B.N.S.S., 2023) In Re: Expeditious Trial of Cases under Section 138 of N.I. Act, 2021 SCC Online- SC- 325 in SUO-MOTO WRIT PETITION (CRL.) NO.2 OF 2020, it is held by the Hon'ble Apex Court that,

“When an accused resides beyond the territorial jurisdiction of the Court, it shall follow Section 202 (1) of the Cr.PC., which mandates inquiry for the purpose of deciding whether or not there is sufficient ground for proceeding against the accused. For the purpose of such inquiry, evidence of the complainant may be given by affidavit, and evidence of witnesses on behalf of the

complainant by affidavits shall be permitted. However, if the Magistrate himself holds such an inquiry, it is not compulsory that the Magistrate should examine witnesses.”

04. Hence, in compliance of the above direction complainant filed affidavit of the witness namely Vishal Balaji Shetti. He supports the case of the complainant. Hence, during the inquiry conducted by this Court it reveals that, the accused has committed the said offence. On perusal of record no any order of issue summons is seen to be passed on the complaint. There is sufficient grounds to proceed against the accused u/s.138 of the N.I.Act. Hence, I pass following order-

ORDER

Issue process against accused under Section 138
r/w.142 of the Negotiable Instrument Act.

(A. T. Mangire)

Date:- 13/07/2026

Judicial Magistrate (F.C.) Court No.2
Jaysingpur, Tal.Shirol, Dist.Kolhapur

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri.C.N.Kumbhar
Name of Court	2 nd Joint C.J.J.D.& J.M.F.C., Jaysingpur.
Date of Dictation.	13/07/2026.
Judgment/order signed by the PO on	13/07/2026.
Judgment/order uploaded on	13/07/2026.