

ORDER SHEET



S.C.C. No. : 381/2025

CNR : MHK0170005392025

Shri Hanuman Gramin Biger Sheti Sahakari Path Sanstha Kotoli
Tarfe Shri. Suraj Makar Vs. Shri. Shrutesh Ashok Gavali

Order below Application

AT Exh. 1.

1) Perused the Complaint, documents placed on record & examination of complainant under section 223 of Bharatiya Nagrik Suraksha Sanhita, 2023.

2) Heard Ld. advocate for complainant on the point of issuance of process. Firstly, from the contents of complaint and the examination of complainant on oath, it appears that, the cheque in question was given by the accused to complainant towards legally enforceable debt or liability. Prima facie, Complainant appears to have made efforts to encash the cheque amount. Prima facie there appears a Memo given by banker of accused that, the cheque in question is dishonoured for the reason **“Funds insufficient”**. Within stipulated time, complainant appears to have given mandatory notice to accused asking the accused to make payment of said amount within 15 days. As per complainant, even after receiving the notice, accused has not made payment of cheque amount within said period. Thus, it appears that, the cause of action has accrued in favour of complainant to file this case.

3) As per Sec.142 of Negotiable Instrument Act this Court is certainly having territorial jurisdiction to take cognizance of and try this case. Considering nature of Sec.142 of Negotiable Instrument Act there is no need to issue notice under Sec.223 of Bharatiya Nagrik Suraksha Sanhita, 2023 to the accused before taking cognizance of this Complaint. Resultantly, at this juncture all fundamental ingredients of offence punishable under section 138 of the Negotiable Instruments Act are prima facie made out by complainant. List of

witnesses is also filed on record. Hence, I think it fit to issue the process against accused for said offence. In the result, I pass the following order;

Order

As per Sec. 227 (1)(a) of Bharatiya Nagrik Suraksha Sanhita 2023, issue process against the accused for the offence punishable under Sec. 138 of The Negotiable Instruments Act r/o. on PF as per rules.

Date - 23-04-2025

Sd/-
(K.D.Kakatkar)
Judicial Magistrate First Class,
Panhala.



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**Shri Hanuman Gramin Biger Sheti Sahakari Path Sanstha Kotoli Tarfe
Shri. Suraj Makar Vs. Shri. Shrutesh Ashok Gavali**

Order below Verification Affidavit

AT EX. 2.

1. Filed

Sd/–

Panhala

(K. D. Kakatkar)

Date :– 23/04/2025

Judicial Magistrate 1st Class, Panhala

Order below Vakalatnama

AT EX. 3.

1. Seen and Filed

Sd/–

Panhala

(K. D. Kakatkar)

Date :– 23/04/2025

Judicial Magistrate 1st Class, Panhala

Order below List of Documents

AT EX. 4.

1. Filed

Sd/–

Panhala

(K. D. Kakatkar)

Date :– 23/04/2025

Judicial Magistrate 1st Class, Panhala