

**S.C.C. No. 64/2024
Tanaji Vs. Sachin**

ORDER BELOW EXH.01

As per the direction of *the Hon'ble Bombay High Court vide Circular no. Rule/P/1605/2022 dated 27th January 2022* inquiry under Section 202 of the Cr. P. C., 1973 is conducted. The complainant has also filed his affidavit of verification below Exh.05 and affidavit under Section 202 of the Cr. P. C., 1973 below Exh.06. The complainant has also filed verified documents of cheque, Bank return memo, copy of notice etc.

2. Perused the contents of the complaint and verification on affidavit below Exh.06 and Exh.07. Perused the entire documents on record. Heard learned advocate for the complainant. The record goes to shows that the cheque was issued in favour of the complainant by the accused. It was dishonoured and cheque return memo was issued by the concerned bank. It is also seen that the complainant issued demand notice within stipulated period to the accused. Said notice was unclaimed. Despite the same, the accused did not pay the cheque amount within 15 days from the date of said notice.

3. Under the above stated circumstances, prima-facie the complainant has made out the case under section 138 of the N. I. Act, against the accused. Prima-facie it is also seen that the complaint is within limitation period. As such, there is sufficient material/ground for proceeding against the accused. Hence, the

following order.

ORDER

1. Issue Process by issuing summons for attendance of the accused for alleged offence under section 138 of the Negotiable Instrument Act vide Section 204 of the Code of Criminal Procedure, 1973.
2. The accused can make an application for compounding of offences at the first or second hearing of the case, and if such an application is made, compounding would be allowed by the Court without imposing any costs. If he/she does not do so, compounding shall be done, subject to costs as per guidelines of the Hon'ble Supreme Court.
3. Summons be issued by R.P.A.D. and Hamdast if prayed.
4. The complainant is directed to supply the copy of the complaint along with all the necessary documents to the accused.

Ausa.

Date : 04/03/2024.

(P.D. Kolekar)

**Judicial Magistrate F.C. Ausa,
(Court No. 02).**