


MHLA160001742025 	<u>SCC No.47/2024</u> <u>Deepak Vs. Pramod</u>
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ORDER BELOW EXH.1

Today the complainant and his Advocate B.V. Patil are present. Advocate B.V. Patil argued in support of the complaint and prayed to issue summons to the accused.

2. I have carefully gone through the record the complainant has filed affidavit Exh.4 and verification affidavit on record. Therefore, there is no necessity to examine the complainant on oath. The said affidavit can be considered his verification. Hence, I perused the complaint, affidavit of verification, documents produced along with the complaint on record. The accused is borrower of loan and has issued disputed cheque. Therefore, he is liable to the dishonor of cheque. There are sufficient grounds to proceed with against the accused. The presumption provided under Section 118 and 139 of the Negotiable Instrument Act are prima-facie established. The complaint is filed within prescribed limitation. The offence under Section 138 of Negotiable Instrument Act is prima-facie made out.

3. The aforesaid offence is offence under the special Act. The cognizance of aforesaid offence is provided under Section 142 of the Negotiable Instrument Act. Therefore, notice before cognizance provided under Section 223 of Bharatiya Nagarik Suraksha Sanhita is not applicable in this case. Hence, issue process against accused for offence punishable under Section 138 of Negotiable Instruments Act, on P.F. and also to supply the copies of the complaint and other documents filed along with it, to the accused within three days from today.

Date- 12/11/2025
Deoni.

(S.A. Surjuse)
Judicial Magistrate F.C. Deoni.