

**ORDER BELOW EX.1**

Read the complaint. Perused the verification filed in the form of an affidavit vide Exh.5 and documents on record.

02] Heard the Ld. Adv. Shri. Nishant K. Hajare for the complainant.

03] It prima-facie appears that the accused issued cheques of SBI, Kamptee branch, Dist.-Nagpur bearing No. 850616 dated 22/09/2020 of Rs. 5,00,000/ in favour of the complainant. Complainant presented the Cheque bearing No. 850616 dated 22/09/2020 of Rs. 5,00,000/- with State Bank of India, Kamptee Branch, District-Nagpur in his account. On 24/09/2020 it was return back to complainant due to the reason "Fund Insufficient". Thereafter, the complainant issued a legal notice on 13/10/2020 and demanded amount mentioned in the cheque. The said notice appears to be served on the accused on 15/10/2020. However, the accused failed to pay the cheque amount within 15 days from the service of notice. The complaint is filed on 4/11/2020 which is within limitation. Thus, the complainant has made out a prima-facie case for issuance of process against the accused for the offence punishable under Section 138 of the N.I.Act. Therefore, I proceed to pass the following order-

**ORDER**

- i) Issue process vide Section 204 of the Code of Criminal Procedure against accused for the offence punishable under Section 138 of the Negotiable Instrument Act.

Kamptee  
Date : 2/01/2021.

(S. S. Gadve)  
JMFC, Kamptee.

