

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, AT KAMPTEE.**

SCC No. 1181/2017
Ms. Sai Furniture/Kisanlal
Sec. 138 of N.I.Act.

ORDER BELOW EX.1

(Passed on 6th July, 2018)

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. S. M. Kushwaha for the complainant.

03] It prima-facie appears that the accused issued a cheque of Canara Bank, branch - S.M.E., Nagpur Dist.-Nagpur bearing cheque no. 684490 of Rs. 1,00,000/- in favour of the complainant. It was dishonored on 17/10/2017 and information was received by the complainant on 21/10/2017. Cheque return memo shows that the said cheque was dishonored due to the reason "Funds Insufficient". Thereafter, the complainant issued a legal notice on 10/11/2017 and demanded amount mentioned in the cheque. The said notice appears to be served on the accused on 22/11/2017. However, the accused failed to pay the cheque amount within 15 days from the service of notice. The complaint is filed on 22/12/2017 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-

..2..

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 : 06/07/2018.

(Smt. S. A. Patil)
JMFC, Kamptee.
Court No.2